THE INQUISITION

Revelations Before the Shah Commission

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We shall overcome

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THE JUDAS DAYS AND THE DAWN OF DARKNESS

What led to the declaration of emergency ? Mrs Gandhi had cried herself hoarse on this count in pitiably ridiculous attempts at self justification The thirteen days the hectic days that preceded the declaration contained a tense personal drama for the imperious Madame Hitherto secret the curtain rose on those Judas days at the Shah Commission

The Allahabad High Court's verdict marked the beginning of a big political upheaval Mrs Gandhi decided to stay on She was very conscious of the fact that her popularity was at a low ebb and that there was no question of establishing *status quo ante* once she stepped down from the pedestal of power

If the statements of Mrs Gandhi s cabinet colleagues and senior officials are to be believed she herself had arranged rallies in her support during the fluid period Officer followed officer to depose before the Commission revealing the truth behind the spontaneous solidarity rallies in support of Mrs Gandhi between June 12 and 25 1975 Former Lieutenant Governor of Delhi Krishan Chand testified that it was perhaps the Prime Minister s decision to hold rallies in front of her house and at Boat Club New Delhi R K Dhawan Additional Private Secretary to Mrs Gandhi and Bansi Lal the then Chief Minister of Haryana were the main architects in arranging manforce in these made to order rallies If Bansi Lal later emerged as the strong man of the caucus it was merely because of his service during the rally age

On June 12 1975 the day the verdict against Mrs Gandhi was pronounced hundreds of Delhi Transport Corporation (DTC) buses were sent to various places in Uttar Pradesh (U P) and Haryana to bring people to stage rallies Navin Chawla

Secretary to the Lieutenant Governor called the Traffic Manager of DTC to send hundreds of buses to bring people from nearby towns in Haryana and U P The Traffic Manager obliged without any hesitation In normal course the maximum number of buses that could be withdrawn from the DTC fleet without upsetting its schedule is ninty five But DTC was made to flout rules and regulations It released hundreds of buses to the rallies Many an unsuspecting babu did not reach home that day because of the spontaneous disappearance of the DTC carriers the monopoly holders of the city s transit system Taxis and scooters doubled and trebled their fares and yet many were stranded on the Rajpath Lawns to spend a night under the blue sky and the crying stars

On June 20 1975 as many as 497 buses were requisitioned by the organisers of the rallies Lieutenant Governor as Chairman of the DTC had acquiesed in all these operations In one instance about a hundred buses were sent to the Station House Officer (SHO) Gurgaon in Haryana Bansi Lal directed the Police to take necessary steps The SHO Gurgaon then received telephonic messages from various Government departments and h e sent buses according to their demands Workers from the industrial city of Faridabad were carried to Delhi in those buses to express their solidarity with the Madame It was a pity that out of hundred buses only forty could be filled and the rest came back to Delhi empty The Jat bully had even instructed the officials on the sort of slogans to be raised in the rally Judiciary murdabad Justice Jag Mohan Lal Murdabad and Desh Ki Neta Indira Gandhi reverberated at his instance More than one thousand and seven hnndred buses were requisitioned by the AICC and the Delhi Pradesh Congress Committee for organising the pro Madame rallies from June 12 1975 to June 25 1975 An amount of four lakhs rupees against these bookings are still outstanding

On June 12 1975 the entire administration under the Lieutenant Governor was mobilised to register solidarity with the PM Rallies were organised in order to cope with the law and order situation that might develop from the threatened Opposition rallies Krishan Chand was told that public

utility services should also be mobilised for the purpose These services included DTC, New Delhi Municipal Committee Delhi Electric Supply Undertaking and Delhi Milk Scheme

NDMC employees were asked to attend rallies in front of No 1 Safdarjung Road and elsewhere in support of Mrs Gandhi from June 12 25 Their attendance in the rally was treated as attendance in office Registers were taken to Safdarjung Road and attendance of the employees marked there They were given milk bread and eatables meant for distribution to poor children under 'Nutrition Scheme' of the NDMC (Poor fellows !) Officers of the NDMC were supervising operation rallies throughout

Employees of DESU and DMS were taken to the rallies in Government trucks and DTC buses Some police officials complained before the Commission that it was a general practice of the politicians to ask the police to arrange trucks at short notice for such rallies putting them to great difficulties On June 13 1975, the Delhites were taken by surprise Office goers and workers waited for hours at bus stops No bus turned up The entire staff of DTC went to No 1, Safdarjung Road to express solidarity a unique event in the public utility systems of any country The Lieutenant Governor as Chairman of the DTC was the choir leader of these operations The suffering public protested But Philip was still drunk and as he was not sober no action was taken since it was all under the orders of ' Philip

Special trains were also booked From Varananasi Lucknow and Kanpur people were brought to New Delhi in trains Records available with the Railway authorities show that no security was deposited with the Railways by the booking parties The Railways had to arrange specials to clear the heavy return traffic rush of the Congress delegates

Harideo Joshi Chief Minister of Rajasthan one of the confidentes of Mrs Gandhi was also able to transport truck loads of Government Employees to Delhi to show that Janata is behind Mrs Gandhi He invited the leaders of the Electricity and Transport Workers Unions and requested them to send at least one lakh people to Delhi to express their

solidarity About forty to fifty thousand people from the State participated in the rally held on June 20 1975 The Union leaders were asked to arrange the rally with the intention of releasing hundreds of trucks and buses free of charge for Union activities The Chief Minister did not think of the absurdity of holding a general body meeting of Union in Delhi They also thought of taking the government vehicles to Delhi camouflaging them to hide the fact that they belonged to the State Government This idea was dropped because of its impracticability

All these arrangements according to Krishan Chand were made under instructions from the PM s house conveyed through Dhawan and the PM was kept informed about the developments from time to time

The rallies in support of Mrs Gandhi were allowed in front of No 1 Safdarjung Road even though a prohibitary order under Cr PC 144 was in force

In contrast the Opposition parties were not allowed to hold rallies where they wanted and whatever possible to prevent people from attending them was also done It was the Opposition rallies and their vow to fight to the last to make her step down that forced Mrs Gandhi to resort to the declaration of Emergency The Opposition parties bid to hold a rally on June 22 1975 worried Mrs Gandhi and her henchmen They adopted all measures to subvert the arrangements for the rally Jaya prakash Narain was to address the rally Krishan Chand told the Commission that the Delhi Administration was advised to be alert on that day Several high level meetings were held At the official level the opinion was that whatever might be done in respect of other leaders J P s arrest would make it more difficult to preserve public peace than if he was not arrested This view eventually did not prevail On June 22 J P was not allowed to come to Delhi and address the public meeting at Ramlila Grounds The Indian Airlines plane in which JP would have flown from Patna to Delhi on that day was grounded on technical grounds Eventually JP addressed the rally at Ramlila Grounds on June 25 1975 On the very night he was arrested under Maintenance of Internal Security Act and was taken to Sona in Haryana At 2 a m on June 26 1975 when

JP and other Opposition leaders were arrested the country was already under Emergency and the fascist junta was slowly tightening its grip

The way Mrs Gandhi played with the constitutional provisions relating to the declaration of Emergency was the gravest aberration she had committed with the aim of hanging on to power The startling revelations before the Commission had brought to light the mysterious behind the scene activities during the two weeks beginning June 12 1975 i e from the day the Allahabad High Court decreed Mrs Gandhi guilty of corrupt practices during 1972 Lok Sabha Elections to the day of the declaration of the Emergency The depositions had also exposed the behaviour of a power hungry leader under the magic influence of a certain delinquent politician

The main purpose of the Shah Commission inquiry into this would be to find out whether the declaration of Emergency was *malafide* and if so to ascertain how constitutional provisions were abused Even if it was found *bonafide* the people have a right to know

Former Chief Minister of West Bengal Sidharatha Shankar Ray, told the Commission, that though he was consulted before declaring the Emergency Sanjay Gandhi played an important role in the gigantic operation Ray was present at the PM s residence on the day of the declaration of Emergency Mrs Gandhi however did not consult her Cabinet A pliant President affixed his signature on the declaratian She decided to give a shock treatment immediately after the Allahabad High Court verdict Ray advised her against it He told her that the courts were open to her But he could not prevent her from the declaration on June 25 Because she was well aware of the opposition against her within the Party she kept a watch on the activities of the important Central Ministers and Congress MPs A secret note sent by the then Director IB, to the Prime Minister gave her a graphic account of the groups of Congress MPs supporting and opposing her It also indicated clearly that a clear majority was not with her This had probably made her resort to drastic steps The events of the three days immediately b fore the Emergency reveal to what extent Mrs Gandhi subordinated the Constitution and the

Government in preparing the grounds for her infamous declaration The entire action was conceived and carried out as a personal conspiracy Not a single official or minister was consulted except her own henchmen

She told a clinical lie to the President that there was no time to consult the Cabinet eventhough clandestine preparations for the declaration of Emergency were going on for at *least three days before it was done Her close allies* Devraj Urs Vengal Rao P C Sethi Harideo Joshi Bansi Lal Zail Singh and S S Ray all Chief Ministers at that time Krishan Chand former Lieutenant Governor of Delhi and Om Mehta the then Minister of State in the Ministry of Home Affairs were informed in advance There was not even an iota of truth in *her information with regard to the imminent danger to the* security of India Reports received from Governors and Chief Secretaries in the Central Ministry of Home Affairs reveal that the law and order situation was under control all over the country on the eve of the Emergency There was no suggestion even from the Intelligence Bureau to the contrary

Senior officials—the Home Secretary the Cabinet Secretary and the Principal Secretary to the PM were not even consulted on the declaration of Emergency The then Law Minister, H R Gokhale testified he was not consulted The decision leading to the proclamation of Emergency was entirely the handiwork of individuals who had no official or constitutional *status The story* presented to the President was no *doubt a* concocted one

Mrs Gandhi alongwith Ray met President Ahmed at Rashtrapati Bhawan at 5 O Clock in the evening on June 25, 1975 She told the President about it personally The mysterious recommendation for the proclamation of Emergency reached the *President in the form of a letter by about 10 30 in the evening* of that day In her letter she stated that 'information has reached us that there is imminent danger to the security of India by internal disturbance I would have liked to have taken this to the Cabinet but unfortunately this is not possible tonight In the circumstances and in case you are so satisfied *a requisite Proclamation under Article 352(1) has become* necessary I am enclosing a copy of the draft Proclamation for

your consideration (Actually no draft was enclosed) I recommend that such a proclamation should be issued tonight however late it may be and all arrangements will be made to make it public as early as possible thereafter

President Ahmed initially hesitated to sign the Proclamation He called his Secretary, K Balachandran who met him at his private sitting room on the first floor of Rashtrapati Bhavan at quarter past eleven in the night After going through Mrs Gandhi s letter Balachandran told the President that in his opinion for more than one reason it would be constitutionally impermissible for him to act in the manner suggested in the letter" It was explained to him that in the exercise of his constitutional powers he had to act on the advice of his Council of Ministers and therefore his personal satisfaction in these matters would not arise Mrs Gandhi s way of passing the buck to others was evident in this letter also She believed in getting evil done through others President Ahmed consulted his advisers on the provisions of Constitution He satisfied himself of his constitutional position and wanted to contact the Prime Minister and discuss this with her

Balachandran left the President alone for ten minutes When he went back to the President he was told that Additional Private Secretary to the PM Dhawan had come with the draft Proclamation of Emergency Dhawan got it signed and took it back with him along with the PM s letter The poor President didn t know at that time the price he would have to pay for his signature ! PM s letter available in the records of the Rashtrapati Bhavan is a revised one which was sent to the President s Secretariat the next day When Dhawan brought the draft proclamation it however had a covering letter from Brahmananda Reddy the then Home Minister—a formality Neither Reddy s letter nor Indira Gandhi s letter bear any correspondence number The proclamation did not bear any date Reddy s letter was not written in his Ministry s letter head It was on a piece of plain paper leading to the conclusion that it was written somewhere else and making the whole thing look irregular and highly suspicious No office copy was kept in the Ministry of Home Affairs

As deposed by Reddy he was told of the intended procla mation of emergency around 10 30 p m on June 25 1975 at No 1 Safdarjung Road Reddy suggested that already an Emergency (external) was on and it would be allright if the powers available under it were used to deal with the situation. The Queen however wanted to consult her confidence Reddy was sent home After half an hour he was again sum moned to No 1 Safdarjung Road When he reached the Prime Minister s house a concerned Ray the legal luminary was pre sent there They discussed Article 352 Thereafter Mrs Gandhi told him that he h d considered all the aspects of his suggestion and that she still felt it necessary to declare another emergency Reddy told her that being the PM she must be knowing more Then he quietly returned to his residence After a few minutes he signed on a plain sheet of paper a letter forwarding the draft proclamation addressed to the President of India

The next morning i e on June 26 1975 people who listen ed to All India Radio at 6 a m were stunned They did not know at that time what was in store for the coming months At 9 a m all broadcasts over AIR were interrupted to carry a message from Mrs Gandhi A perturbed Mrs Gandhi with a choked voice explained the circumstances leading to the dec laration of Emergency ; 'The President has proclaimed Emer- gency This is nothing to panic about I am sure you are all conscious of the deep and widespread conspiracy which has been brewing ever since I began to introduce certain progressive measures for benefit to the common man and woman of India All manner of false allegations have been hurled at me All my life has been in the service of the people This is not a personal matter It is not important whether I remain Prime Minister or not However the institution of the Prime Minister is important and the deliberate political attempts to denigrate it is not in the interest of democracy or the nation

I should like to assure you that the new Emergency pro clamation will in no way affect the rights of law abiding citizens She also spoke about the ' brutal murder of her cabinet colleague L N Mishra and deplored the dastardly attack on the Chief Justice of India

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The villains of June 25 1975 - Rav and Om Mehta had described the events that took place on that day in a vivid and convincing manner Ray who was consulted on the legality of the proclamation of emergency had told the Commission that he was called by Mrs Gandhi on the morning of that day and told our country is in great difficulty of lawlessness all round indiscipline has taken hold of everybody and something has to be done She had a sheaf of paper from which she read out certain port ons which depicted the situation in the country as completely out of control She went on to explain that the political situation had to be controlled and the growth of law lessness had to be checked She had reports from the intelligence As they were discussing a person entered the room and handed over a piece of paper to Mrs Gandhi After reading that Mrs Gandhi said that it was a report giving advance information that JP would be calling for mass movement in two or hree days all over India Then Mrs Gandhi told Ray that some sort of emergency had to be imposed Around noon he went home but Mrs Gandhi s words were troubling him I must say that her presentation of facts had certainly influenced me considerably I had never seen her so worried and harassed Even on an occasion like the Bangla Desh crisis she was calm and composed but on the morning of June 25 she was agi tated After careful consideration Ray thought that Article 352 could be utilised and he advised her that if she so desired, she could consider using this article to impose internal emergency She immediately asked him to accompany her to the President President was apprised of the imminent danger of internal dis turbances and he agreed to their proposal and asked them to send recommendations While returning from Rashtrapati Bhavan Ray advised Mrs Gandhi to take her Cabinet collea gues into confidence Back home she asked him three things Firstly the position about taking a decision without going to the Cabinet secondly what should be the wording of the letter to the President and thirdly the text of the proclamation Ray consulted the Rules for Cabinet Business and found that Article 352 comes in a category which could be dealt with by the Prime Minister and later ratified by the Cabinet He immediately prepared two drafts of the letter to the President He did not know what happened to them The copy of the letter which

is available in the Rashtrapati Bhavan is not from his draft

In the evening D K Barooah a former President of the Congress Party reached her residence All the three sat together for preparation of a draft speech which Mrs Gandhi desired to be delivered the next morning The drafting took three hours because after every ten minutes Sanjay would come and take his mother out for ten minutes or so What they had discussed no one knows Ray added that he had come to know now that at that time Sanjay was playing an important role 'Perhaps we were used only as tools or instruments for this gigantic operation

Ray also revealed that he heard from Om Mehta there was a plan to close down High Courts and to snap electricity con nections to newspapers Ray wanted to prevent this nonsense It was past midnight and he insisted on meeting Mrs Gandhi to foil the attempts to close down the courts As he was waiting for Mrs Gandhi an infuriated Sanjay met him in the corridor and told him you do not know how to run a country Ray let him understand that he should mind his own business and not try to interfere in whatever was being done Ray said that eventhough Sanjay was furious he (Ray) did not loose his temper and slap him as has been reported in newspapers

Om Mehta one of the bigwigs told the Commission that he was not aware of the move to declare Emergency He came to know of it only on the morning of June 26 1975, when a Cabinet meeting was called He also denied to have given any instruction to the Lieutenant Governor of D lhi to arrest Opposition leaders and given any guidelines to P C Sethi the then Chief Minister of Madhya Pradesh for detention of certain leaders of the Opposition About the file relating to the decla ration of the 1971 Emergency Mehta said that Mrs Gandhi wanted it and he had asked the Home S cretary to bring it As a junior Minister in the Cabinet he dared not ask Mrs Gandhi why she wanted the file Mehta heard about somebody discussing about the closure of High Courts and disconnecting supply of electricity to the rewspapers He went on denying many things about what took place at Mrs Gandhi s residence on he fateful day Lekhi tried in vain to make him speak about the grave enough causes which made Mrs Gandhi declare

Emergency and resort to "draconian measures Mehta s stock reply was ' How can I say? Lekhi gave up his cross examination with the remark ' Let Mrs Gandhi come This witness hardly knows anything

Even Khandalawala who had been successful in extracting information from many stubborn witnesses failed to trap an obstinate Mehta He maintained that he had not even the slightest indication of the promulgation of Emergency before the Cabinet meeting on June 26

At the Cabinet meeting Mehta said Mrs Gandhi explained the background and all the ministers sullenly listened to her Mehta said that as the Cabinet met on the morning of June 26 1975 the declaration of Emergency was a collective decision as far as he knew

At the cross examination stage the government counsel P N Lekhi produced before the Commission a stack of photo graphs of the events before during and after the declaration of Emergency on June 25 1975 These photographs give a clear picture of the solidarity rallies in front of No 1 Safdarjung Road Photographs showing blood from blood banks being used to sign pledges of loyalty to Mrs Gandhi, appeal to communalism (people of one community being gathered to reiterate their support to Mrs Gandhi) crowds outside her residence— all hired bands of the Nehru Brigade— hired workers from the Coca Cola factory and put on hired uniforms the variety of dresses worn by Mrs Gandhi depending on the nature of the crowds and the use of Delhi Municipal Corporation and NDMC vehicles for bringing crowds were all there in the album of Lekhi

The manner in which Mrs Gandhi proclaimed Emergency in June 1975 was a fraud on the President a fraud on the Council of Ministers and a fraud on the people Arguing before the Commission its Counsel Karl Khandalawala was very clear about the Commission s right to go into this matter Khandalawala commented that there were only two reasons why people s freedom was destroyed on June 25 1975 ' Mrs Gandhi s insatiable craving for power and her dream of dynastic succession Her contention that she would have liked

to consult the Cabinet on the subject but that it had not been possible because of shortage of time had proved to be a fraud committed on the people of this country The departure from the Transaction of Business Rules was a farce Everybody in her confidence knew that the Emergency was coming and she had made enough advance preparations Bansi Lal knew of it by 5 p m on June 25 Guidelines were issued to arrest Opposition leaders and lists were ready even two days earlier yet she did not have time to tell her Council of Ministers There was therefore a pre conceived and calculated move not to abide by the norms laid down by the Constitution Justice Shah observed that if the Cabinet meeting was called the next morning within two hours, it could well have been in the previous afternoon

A LAWLESS LAW AND A WOMANIN A HURRY

A couple of days after the declaration of Emergency the students of the Jawaharlal Nehru University (JNU) were barred from using the toilet in their hostels for more than five minutes. The reason behind this ridiculous step was the fear that they might leave writings on the wall about the arrests of the student leaders and the leaders of the Opposition In a way the country and its citizens should be thankful to Mrs Indira Gandhi and her son for declaring the Emergency as it was because of this act and its consequent ominous overtones that political consciousness was rekindled in the country

' I am sorry that people suffered, whether they suffered in prisonor they suffered otherwise through programmes , Mrs Gandhi told Newsweek in September 1977 She said that she had not ordered the arrest of Opposition leaders The initial arrests were ordered by the Centre she admitted because we just wanted to stop the agitation She told David Frost of the BBC that the arrests were made ' in the larger interests of the people ard the greater part of the arrested were of the banned parties and smugglers hoarders and black marketeers These are examples of her hypocrisy showing her ingenuity in covering the truth

Immediately after the Allahabad High Court Judgment Mrs Gandhi thought that the moment of truth had come for her political activities It was known to her very well that in case she had to step down she would not only lose her own position for ever but also befuddle the chances for her son Was the Nehru dynasty to come to such an ignominous end? Mrs Gandhi knew that if she did not carve out a niche for her son in politics during her lifetime he would be nowhere either in politics or in business The dynastic ego and the compelling

mother love made her cling to power come what may She knew that the decision taken by her was wrong She had accepted *finally that politics is a game which has no principles* *Her only* anxiety was how to continue in power There was countrywide opposition led by senior leaders like Jayaprakash Narain Morarji Desai, Atal Behari Vajpayee and Charan Singh and others

Presidential declaration of emergency was made only after rounding up the top opposition leaders to avoid any possible trouble Most of the leaders were arrested in Delhi They happened to be in the capital to attend the Opposition rally held at Ramlila Ground in the evening of July 25 1975 The arrests were made with lightning speed so as not to allow any opportunity to anyone to go underground and also to prevent leakage of any information about the proposed arrests

The manner in which the MISA was misused inflicted a crippling blow on the democratic traditions of our country Who will forget the apprehensions expressed and assurances given on the floor of the Parliament on the use of MISA where the relevant Bill was introduced in 1971? K C Pant, Minister of State in the Home Ministry who piloted the Bill assured that we shall use this only when it is absolutely necessary to do so He stated that adequate safeguards against arbitrary exercise of power had been built into the provisions of the Bill Pant s line of defence was on the ground that we are living in troubled times and one cannot rule out the possibility of a national emergency in future and added we hold dear the freedoms enshrined in the Constitution and we consider it our bounden duty that people of this country continue to enjoy these freedoms These promises were torn to pieces and thrown to the fierce winds of personal gain and fascist spirit

During the debating stage of the Bill Jyotirmoy Basu called the MISA a lawless law and expressed the fear that the Congress Government wanted to create a real dictatorship in this country and that they were steadily moving towards it How prophetic he was ! Basu said at that time the sole object of this unlawful law is to curb the political opposition which is posing a threat to her (Mrs Gandhi s) sticking to power This is a

semifascist method to keep herself and her party perpetually in power In clearer terms Basu said that the then Prime Minister on the advice of certain elements in her camp wanted the enactment of this black law to consolidate her position so as to keep herself in power and to continue political blackmail

Piloo Modi in his own inimitable way had qualified it as the blackest law that man has devised Raj Narain regarded this law as a Crush people s movements ordinance This is murder of democracy murder of civil liberties and murder of individual freedom

At that time the prophetic debate was allowed in Parliament After the declaration of Emergency on June 25 1975 MISA was amended many times Two Ordinances were issued on June 28 and July 15 1975 amending MISA to strengthen the hands of the police These amendments were later incorporated into the main body of the Act without any debate worth the name in Parliament The provisions regarding communication of grounds of detention to the detenue within 5 days or in ex ceptional circumstances within 15 days were replaced by a provision to review detention within a period of four months from the order of detention and thereafter at intervals not exceeding four months A new section was also added which took away the right to personal liberty of the detenue by virtue of natural law or common law if any This was further amended in October and November 1975 enabling the appropriate Government or official to act to arrest or detain on the basis of information and material in its or his possession without communicating the same or disclosing necessary information to the person concerned or afford him any opposit unity or make any representation

Apart from this the ground on which an order of detention was made was to be treated as confidential and referred to matters of State and was against public interest to disclose and therefore the question of disclosing it to the arrested person did not arise

Now having accumulated enormous power in her hands Mrs Gandhi went on an arrest spree directing officials at the

Centre as well as in States to arrest all those who dared to raise the slightest dissent to her policies and even those who were likely to oppose her political whims and fancies

The revelations before Justice Shah threw light on the fact that Mrs Gandhi was preparing for the arrest of Opposition leaders right from the day the Allahabad High Court unseated her It was perhaps the advice of a virtuous Sidhartha Sanker Ray that delayed the declaration of Emergency He had revealed that Mrs Gandhi thought of declaring emergency at least three times before she actually took the plunge on June 25 1975

Krishan Chand the Lt Governor of Delhi let the cat out when he said that lists were final on June 23 1975 at No 1 Safdarjung Road for the arrest of Opposition leaders On the day of the declaration of Emergency when everything was ready and Mrs Gandhi succeeded in getting the signature of the President on the proclamation of Emergency the selected few among her conscience keepers were seriously engaged in plugging the loopholes in the law in executing the blanket order for the arrest of Opposition leaders

The decision to arrest and detain all the top Opposition leaders under MISA was taken after the initial discussion Mrs Gandhi had with her confidentes at her residence Later the officials of the Delhi Administration were taken into confidence and were entrusted with the hauling up of top Opposition leaders The police officers were assured of protection from any criminal involvement later for their actions

The Delhi Administration had to dance to the tunes of the Prime Minister and her son The easiest and quickest methods of arrests were evolved At some stage in the discussion it dawned upon some of the officials that it would look absurd to arre t prominent political leaders like Morarji Desai Charan Singh Atal Behari Vajpayee Raj Narain etc on allegations of disorderly conduct apprehension of breach of peace and the such They were shut up The officials were then confronted with the problem of arresting and detaining hundreds of political leaders under MISA during a single night It was

a herculean task for the officials of the Delhi Administration Since the time available to carry out the operation of arrest and detention of these political leaders without interrupting the bureaucratic procedures was limited the District Magistrates got the MISA warrants cyclostyled with uniform grounds of detention and satisfaction of the Magistrate as to the grounds of detention printed thereon The arrests were to start at 2 a m on June 26 1975 so that no chance was given to anybody to escape the dragnet

The arrests were to be carried out under MISA so that the provisions of the Criminal Procedure Code would not be available to the detenus They would be in prison without being produced before a court The District Magistrate Sushil Kumar had doubts about satisfying himself on the grounds of detention of about 200 persons on a single day This initial hesitation was easily removed when stern orders were received from the Prime Minister s house He started working from 10 p m Warrants were cyclostyled The Law Secretary in the Delhi Administration gave his considered opinion that as far as the cyclostyling of warrants was concerned there was no lacunae in law even though courts usually do not accept cyclostyled warrants But such legal scruples bothered none as the count—down began

The Additional District Magistrates were busy, in filling up names and other details in the cyclostyled warrant forms when the District Magistrate received repeated telephone calls from Navin Chawla Secretary to the Lt Governor and R K Dhawan Special Assistant to the Prime Minister These two considered the preparation and issue of warrants during the night itself and putting the Opposition leaders in prison as proof of their worth to Sanjay Gandhi and Mrs Gandhi All sorts of things were done to complete the operation before dawn The District Magistrate while deposing before the Commission said that he had to carry out orders dictated by his juniors. All orders legal or illegal, from the Prime Minister s House were blindly executed To disobey was suicidal and officers were not of course ready for that

How many arrests was what mattered None lent ear to

the difficulties of the executive authorities Dhawan and Chawla were worried about their commitment and there fore they prevailed upon the Magistrates that since too much delay has already been caused ' *they should hurry up to create* the impact of the Emergency in the capital which will have its effect all over the country It was necessary to arrest all Opposition leaders immediately The District Magistrate was therefore asked to hand over the warrants to the police without looking into legal' formalities which were followed during normal times

The manner and tone in which Dhawan kept insisting on the issue of warrants was aggressive and threatening The District Magistrate told Justice Shah that he was afraid that any further resistance or delay on his part will be fraught with danger for my personality He therefore put his signatures in full faith on a major part of the warrants after they were filled up but as the time was running out and there was great pressure from all quarters some blank forms were also signed and handed over to the police The police completed the formality of filling up the gaps after the arrest

The officials were much concerned about their personal problems the disturbance to their normal settled life a trans fer or set back in their career In this flood of confusion all thoughts of morality and justice were lost They later tried to absolve themselves of the responsibility in harming thousands of people during the Emergency by passing the buck Whatever be their role the officers who were responsible for the sufferings of the people had to answer True, many officials were caught in the current and were helpless Yet the picture of the morale of the cream of our officialdom caving in front of Dhawans and Chawlas was most pitiable

The Chief Secretary of Delhi J K Kohli on being closely examined by Justice Shah tried to defend himself by bringing in the difficulties faced by him and his officers in dealing with the problems of mass arrests To Justice Shah s question as to why he had associated himself with so many illegal acts and what may be called a conspiracy his answer was that the Prime Minister had taken the decision and in the circumstances

he did whatever he was asked to do The difficulties were brought to the notice of his immediate superior, the Lt Governor

Referring to the cyclostyling of MISA warrants Justice Shah pointed out that the Magistrate ordering the arrest would have had to satisfy himself of the grounds of arrest in each case and the arrest warrants had to be prepared separately in each case To this the Chief Secretary had no explanation Justice Shah then wondered 'It appears no one in the Union Territory of Delhi knows the law The Additional District magistrate of Delhi P Ghosh when confronted with a similar question said that the Deputy Commissioner and he himself were aware of the fact that the detentions were going to be illegal

Justice Shah	Why did you participate in the conspiracy for unlawful arrests ?
P Ghosh	On that night (June 26) law stood abrogated Arbitrary power had taken over We were in the situation of a 'coup d' etat There was no reason There was no question of legality We had no choice

Lt Governor Krishan Chand s evidence as the proceedings of the Commission progressed appeared to have been very close to the truth He told the Commission that the orders to detain political leaders in the capital on the eve of the Emergency were issued by the Prime Minister Each name for arrest was approved by Mrs Gandhi and the officials who had the misfortune of carrying out her orders were shocked by the decision but they had no capacity to think rationally To a question by Justice Shah whether he understood the application of law in the arrest of political leaders Krishan Chand replied what he understood was that they should be arrested under ' whatever law available At that particular moment there was no time to think or study the laws in detail and nobody had time to go into legal finesse or into the question of satisfaction 'because she was in a hurry having declared the Emergency Krishan Chand revealed that the

decision to resort to MISA was taken because the Prime Minister did not want to release the arrested

Justice Shah It was to be ensured that not only were they to be arrested but further that the Courts would not interfere and release them Was that your impression ?

Krishan Chand That was not the impression That was the fact Sir

As a result of a series of operations on the night of June 25 26 1975 the Delhi Police detained under MISA about 67 persons including Jaya Prakash Narain Morarji Desai Charan Singh Chandra Shekher Ram Dhan Sikander Bakht Raj Narain Piloo Modi and Biju Patnaik

The decision to arrest leaders of the non CPI Opposition parties was communicated in advance only to the Chief Ministers of Haryana Andhra Pradesh Madhya Pradesh Rajasthan Karnataka and West Bengal These Chief Ministers acted promptly

In Haryana about 70 persons were arrested The Additional Deputy Inspector General (CID) Banar Singh stated that in response to a request from the Chief Minister he had given a list of important political activists and others whose activities could be considered prejudicial to the maintanence of law and order in the State The list was ready by the evening of June 25 1975

The Haryana Inspector General of Police S S Bajwa informed the Commission that he was summoned to the residence of his Chief Minister on the evening of June 25 1975 When he entered the room he found the Chief Minister Bansi Lal in an ecstatic state of mind He was restive He would sit down lie down on his side or abruptly stand up to approach the telephone with great alacrity and eagerness and a show of extreme self importance I believe due to the new accretion to his power

The Commissioner of Police Bangalore City, M L Chandrasekhar who complied with the directions of the Inspector General of Police Karnataka C V S Rao told the Comission that he had passed the detention orders against these leaders after scrutinising the material placed before me and satisfying myself regarding the grounds of their detention They were initially detained in the Central Jail Bangalore

Strangely enough the grounds of detention specified by the Commissioner of Bangalore for his action were unknown to him even after two days of the arrests This was evident from a wireless message from the Home Secretary Karnataka to New Delhi on June 28 1975 According to this wireless message an official from the Special Branch of the Karnataka Police was sent to Delhi on the evening of that day to collect the grounds to complete the formalities regarding the arrests made two days ear ier

In Madhya Pradesh all the arrests on the night of the declaration of Emergency were carried out under the Code of Criminal Procedure Subsequently those were converted into detentions under MISA These arrests in Madhya Pradesh were conducted under the supervision of Chief Minister P C Sethi

In Rajasthan the Chief Minister Harideo Joshi found that arrests under MISA would be easy Telephonic instructions were issued to all the District Magistrates on June 26 1975 to arrest selected top leaders of non CPI Opposition parties and most of the prominent student leaders

The West Bengal Chief Minister Sidhartha Sankar Ray who was asked to stay back in Delhi instructed his officials on telephone to round up prominent Opposition leaders Accordingly arrests were carried out under MISA Officials in West Bengal were used to all sorts of arrests and detention with or without MISA They therefore, did not face any difficulty

In all other States where All India Radio news on the promulgation of Emergency was heard with a little surprise arrests were made only on receipt of instructions from the Central Home Ministry These instructions were sent through wireless

machines on June 26 read as follows ' In the context of precautionary and other measures implemented in the wake of proclamation of Emergency issued this morning State Government (and) Union Territory administrations are advised to consider immediately arrest/detention of all influential and active elements of Bharatiya Jana Sangh and Rashtriya Swayam Sevak Sangh''

In pursuance of the various directions issued by the Central and State Governments the number of persons arrested or detained during the first week of Emergency i e from June 25 to July 3 was 8812 of which 1273 were detentions under MISA

As known to everybody now MISA underwent great changes through a number of amendments during the Emergency After the first two amendments in the first week of Emergency Mrs Gandhi issued guidelines to Chief Ministers of various States on July 3 This top secret letter pointed out that the amendments of MISA gives powers to the State Governments to detain persons without giving them any ground for their detention Their cases need not even be sent to advisory boards' Even though she cautioned the Chief Ministers in the exercise of the new powers given to them it was clear that Mrs Gandhi wanted her henchmen in all the States to be fully equipped to face the new situation This is evident from the statement submitted to the Commission by the Home Ministry in reply to a questionnaire sent by the Commission According to this statement a total of 36 039 persons were detained under MISA during the entire period of Emergency The effect of Mrs Gandhi's top secret letter is evident from the fact that out of this huge figure only 6 244 were detained under normal MISA and the rest i e 29 795 were arrested under the amended MISA*

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* See appendix B for statewise break up of figures

THE DEMONS OF DEMOLITION

It was then that I came to know that the mother was more important than the Prime Minister a former President of the New Delhi Municipal Committee S C Chhabra told the Commission In 1971 when action was taken to evict a group of squatters in Chanakyapuri the diplomatic enclave in New Delhi Sanjay Gandhi intervened and Mrs Indira Gandhi directed the Lt Governor to stop the demolitions Then she even ordered the removal of Chhabra from the NDMC Earlier when he had to take action against squatters in Talkatora Gardens near the Secretariat complex in New Delhi also Sanjay intervened Chhabra was summoned to No 1 Safdarjung Road at midnight and was given a dressing down for half an hour by Sanjay

This was the beginning of Sanjay s political steamrollering He wanted to convey the impression that he was the benevolent protector of the poor squatters Sanjay did not act on his own The devilish scheming was the business of Arjun Das his mechanic mentor He was a member of the Congress Party since 1954 He had a cycle repair shop opposite Sarojini Nagar Police Station (New Delhi) and this mechanical know how brought him into touch with the Rolls Royce dropout This unholy alliance catapulted Arjun Das into the Metropolitan Council in 1972 In public dealings he was bigmouthed and boastful His house was demolished during Emergency but he got in turn Delhi Development Authority s thirteen flats allotted in his name and in the names of the members of his family and relatives

Arjun Das followed the footsteps of another dark horse from the Nehru stables namely Dharma Teja But Arjun Das won where Teja had failed Teja was associated with Sanjay during his wild British days He could not utilise the calibre of the budding industrialist Arjun Das was made of

different stuff He whined and rolled jumped and roared at the boy s whim He led the boy along and inspired him to throw his weight around in the ruling circles of Delhi Administration Like teacher like student No wonder Sanjay s beautification and demolition programmes were as crude as the inspiration behind them Theirs was an unusual twindom of evil

It was Sanjay who encouraged people to set up huts in Talkatora and Chanakyapuri in 1971 but during Emergency his earlier creations hurt his own aesthetics So he started removing his thatched eyesores The Municipal Corporation and DDA were at his beck and call—they demolished houses authorised and unauthorised on a war footing Thousands of houses and shops were razed to dust If Sanjay and his mother did not like a few huts around their farm in Chattarpur village they would order immediate beautification there If he had to slow down his car on way to his Maruti because of stray cows of a village he would order the obliteration of that entire village If he wished to commercialise an area he would order the houses by hundreds to be destroyed and throw the people away into so called resettlement colonies where facilities existed only on paper

Unlike other cities Delhi has a very special problem of unauthorised colonies obstructing developmental plans and programmes It has always been a headache to the planners Sanjay had a patent dose for such ills Amputation and that too without anaesthesia can take care of such unwanted growths

Sanjay could accomplish his plans only because of Mrs Gandhi s open support to his good work Sanjay never bothered about the difficulties or sentiments of the people or the officials His magic wand petrified the officials to such an extent that they vied with one another in seeking advice and taking orders from Sanjay They devised a working arrangement in which everyone was supposed to submit to the orders and directions from The Prime Minister s house 'from above or higher ups

Sanjay was the de facto administrator of the MCD No orders could be passed without consulting him His own orders

were oral and were not to be recorded He would order the suspension of a Zonal Assistant Commissioner if rain water accumulated in a lane behind Ruksana Sultana s house If he spotted a stray cow on the road on his way to his in laws in Defence Colony heads would roll The Municipal Commissioner B R Tamta advised his Zonal Assistant Com missioners to acquaint themselves with Sanjay s scheduled and unscheduled routes to different parts of the city and thus avoid punitive retribution

Sanjay would ord r demolitions in areas where people opposed Emergency and in the strongholds of the Opposition parties He was quite sure that people who were evicted would ' go wherever we want them to go It appeared that the entire government was behind Sanjay The mantle of caution and tact was discarded and 'a sense of great emergency haunted the government Prior to Emergency from 1973 to 1975 June, the demolitions undertaken by DDA MCD and NDMC totalled only 1800 whereas during Emergency i e up to March 23 1977 the total figure was 1 50,105

A number of politicians and social workers had met Sanjay to persuade him to relent and to stall the demolition operations Inder Mohan a free lance journal st and a social worker of Jama Masjid area met Sanjay because R K Dhawan told him that Sanjav was dealing with all the matters concerning Delhi Inder Mohan failed and Sanjay succeeded in putting him in jail Subhadra Joshi and Shashi Bhushan former Members of Parliament also had tried to stop the demolitions They met officials in the Delhi Administration who did not listen to them Response from the Prime Minister was also not different Subhadra Joshi s request for a personal meeting with Mrs Gandhi was ignored Her letters were probably thrown into the waste paper basket But she certainly escaped the fate of Bhimsen Sachar who had to suffer incarceration for his audacity in writing a letter to Mrs Gandhi All this happened simply because Sanjay did not like interference Mrs Gandhi too felt that it was entirely his responsibility She was aware of the ruthless ness with which the demolitions were carried out during Emergency But she never listened to complaints on demoli tions Files in the Prime Minister s Secretariat stand testimony

to this Many representations against demolitions from various associations political parties and individuals were received in that office but the Prime Minister turned a deaf ear to this supplications

The officials in the Delhi Administration never did anything without consulting Sanjay particularly in matters related to demolitions The Superintendent of Police Delhi R K Ohri and Additional District Magistrate Ashok Pradhan who were deputed to look after the law and order problem during the Jama Masjid 'operations had told Jagmohan, the then Vice Chairman DDA that the demolition of certain shops behind the mosque would cause damage to the mosque itself Jagmohan immediately sought instuctions from Sain * and then told them that the shops were to be demolished—come what may

It is not clear whether Sanjay patronized his mother s cabinet colleagues but he was everywhere A documentary film produced by the Films Division was all praise for Sanjay s great achievements 'In Delhi seven lakh people lived in dirty and inhuman conditions in hundreds of such clusters Under the guidance of the Youth Congress leader Sanjay the Delhi Administration decided to shift these people to new colonies around Delhi Jagmohan sang like a spring lark in praise for Sanjay After the demolitions in the Jama Masjid area he told reporters that but for the keen interest Sanjay Gandhi had in the transformation of the surroundings of Jama Masjid complex the task which seemed impossible before would not have been successfully completed

Two former Union Ministers K Raghuramaiah and F H Mohsin deposed that they had been kept completely in dark about the large scale demolitions in Delhi during Emergency President Ahmed was also unhappy about the demolitions in Delhi but Sanjay had no such sentiments or scruples The President might have assured a delegation of the people from an area that their houses would not be demolished They went home satisfied But demolition squads would still take them by

*A great man here Sanjayaji

surprise A bewildered President might say the boy would not listen to anybody

The officials in the Delhi Administration who carried out the hienous demolitions at the behest of Sanjay cut a sorry figure before the Commission Tamta the iron man of DMC during the Emergency had complained that he was bullied and black mailed by the son of the former Prime Minister He was a simple man from the hills but was dragged through the mire He was under pressure from different quarters At one stage of the deposition Tamta broke down and could continue only after drinking a glass of water Tamta told the Commission that under Sanjay s orders the Delhi Development Authority had carried out demolitions in areas where that body had no jurisdiction

Sanjay s chum Navin Chawla was in a strategic position being the Secretary to the Lt Governor An extension of the power of the Prime Minister s House Chawla played a pivotal role in the affairs of the Administration Chawla tried to convey the impression that the Lt Governor was doing everything The fact however was that Chawla was virtually the Governor and Krishan Chand his Lieutenant His nearness to the throne enthused him and he handled the demoli tion business as a man possessed

Before the Commission Chawla however tried to convey that he had no hand in the demolition operations and that the then Vice Chairman DDA and Municipal Commissioner and the Secretary to the NDMC (V S Ailawadi) were acting independently of the Lt Governor The resettlement was done so shabbily that when Chawla visited one of the re settlement colonies the tragedy and sufferings I saw remained etched in my mind

Chawla s chumminess with Sanjay had taken him far Dur ing his deposition he said that he never discussed official matters with Sanjay during his visits to No 1 Safdarjung Road Even though his friendship with Sanjay dated back to 1969 and though he met Sanjay twice a week on office work and once a week on personal matters he kept his personal friendship separated from his official work They never discussed anything about demoli

tion operations on his personal visits Justice Shah observed sarcastically It may be possible for you to maintain a compartmentalised mind I am just trying to find out how far it was compartmentalised Chawla s compartmentalised mind had landed him into trouble immediately when he failed to explain his role in writing the script for the documentary film 'Roots produced by the Films Division The script euologises both Sanjay and Chawla. Chawla admitted that he had approved the script but he did not read the last four lines of the script praising his role in demolition and resettlement activities It might be somewhat cynical on my part but I am sceptical as to why an officer working as Secretary to the Lt Governor should fail to read the last four lines of the script approved by him Justice Shah remarked Chawla was silent

Former Lt Governor Krishan Chand cut a sorry figure at the Commission He kept repeating Nobody told me anything His officers obeyed orders from Sanjay and none listened to him (Krishan Chand) Justice Shah observed If that is true I sympathise with you Krishan Chand added that it was quite a fashion among officers to write that the Lt Governor had ordered when they actually meant Sanjay had given orders Krishan Chand told the Commission that in August 1975 Mrs. Gandhi called a meeting at No 1 Safdarjung Road which was attended by senior officials of the Delhi Administration including those from the Police The officials left the meeting with the impression that the Government was very keen on the demolition operations and wanted them to be pursued with greater vigour taking advantage of the conditions created by the Emergency

The meeting of the officials was preceded by another meeting attended by MPs from Delhi and Municipal Councillors This meeting was blessed with the august presence of Sanjay himself the great renovator Some of the MPs who testified before the Commission confirmed Krishan Chand s version of the meeting and the impression they carried about demolition operations

One of the Superintendents of Police R K Ohri revealed that many persons were taken into custody in advance apprehending protest and trouble during the demolition operations.

These arrests were made on the basis of lists given to him by the S P (CID) Ohri admitted that whenever demolitions took place heavy police contingents were deployed to intimidate the evictees Strongholds of the Jan Sangh and the R S S and areas where Opposition activities against Emergency were evident were apparently the first targets of the demolition Prominent Jan Sangh leaders were arrested and detained Many others ran the risk of being arrested Justice Shah expressed his surprise over such a state of affairs The Delhi Administration then switched over to Muslim populated areas like Jama Masjid to avoid suspicion at the same time it was also intended to check the growing belligerency of Sayed Abdullah Bhukhari, the Imam of Jama Masjid

The former Inspector General of Police Delhi Bhawanimal who was the executer during Emergency had conveniently turned a complainant at the witness stand There was a systematic effort of eliminate me because I had expressed strong views on this subject (measures adopted during Emergency) I pressed and pestered for a change without success He said the police was not allowed to play its normal role The work of the police was disrupted during Emergency After proclamation of Emergency the situation underwent a seachange He admitted that the measures taken during Emergency were preposterous He felt extremely unhappy I resented it I remonstrated and protested against it to the Lt Governor He also admitted that the police had assisted the demolition operations of the DDA

The former Vice Chairman of the DDA Jagmohan was a prize witness for the Commission His deposition was entertaining He tried vehemently to convince Justice Shah of the propriety of his demolition operations during Emergency Jagmohan took more than five hours to build up his case Justice Shah was patient to his verbage for five hours but not beyond that At the end of his five hour filibuster he completely failed to demolish what many others had earlier established He also proved to be a very poor builder

Throughout his examination Jagmohan remained verbose His humble submissions and long winded explanations to bring

out 'a correct picture took plenty of time On many occasions Justice Shah had to warn him to be precise

The Judge had pointed out sarcastically that I have a bad habit of concentrating on only one subject at a time and that Jagmohan should confine to his question Overwhelmed by his own loquaciousness Jagmohan at times paid little attention to the questions put to him by Justice Shah Once when Justice Shah asked him whether he was accustomed to furnishing untrue information to the Prime Minister, Jagmohan replied 'Yes' The Commission hall plunged into laughter It was only when the question was repeated he realised his folly and quickly swallowed his words

Jagmohan maintained that the demolitions were carried out to implement the Master Plan in the interest of the people The DDA s works was being described as operation demoli tion whereas it was in fact operation development' Taking pride in his work Jagmohan said that the Union Government also considered the demolition as a 'show piece and visiting dignitaries were taken round the projects of the DDA He lamented that he 'a hero had been made a villain Jagmohan challenged even Justice Shah to visit the DDA projects accompanied by two harsh critics He would be able to convince them of the merit of what he had done Jagmohan said that those Ministers who had pleaded ignorance about demolition operations had not told the truth The former Minister of Works and Housing K Raghuramaiah had congratulated Jagmohan on the fine job he was doing but had complained that there was a slum behind the Minister s residence The DDA cleared the slum and Raghuramaiah thanked Jagmohan profusely Again at an international conference at Vancouver which Jagmohan also attended, Raghuramaiah had given a rousing speech about the slum clearance work done in Delhi

Jagmohan was equally fierce about the former Deputy Home Minister F H Mohsin Referring to Mohsin he said some people formed vague woolly ideas and were condemning everybody else

He admitted that President Fakhrudin Ali Ahmed had reservations about what had happened in Turkman Gate

because of the loss of life there but otherwise the late President had appreciated DDA s efforts to decongest the walled city

Jagmohan's attempts to defend the unauthorised demolitions carried out by DDA were foiled by Justice Shah There was ample evidence to call his bluff In those days of Emergency Jagmohan s enthusiasm for demolition was evident in his reports sent to No 1 Safdarjung Road His difficulty now was that he was asked to account for the illegal demolitions done by DDA under Sanjay s command In Jagmohan s opinion there was on resentment and people were only happy to shift to new resettlement colonies where they got alternative accommodation

Jagmohan used to visit the Prime Minister s house everyday of course at the instance of the Lt Governor He however did not carry any official files there He did not receive any orders from Sanjay His evasiveness did not help He had to admit there was a new power structure I cannot explain the new phenomenon This was a new power structure that had developed But I am sure, I did not receive any orders from Sanjay Gandhi I did not also volunteer any information He scrupulously avoided this power structure of which I was very much aware

The ruthlessness of the demolitions during Emergency are evident from the graphic description in the following chapters

TURKMAN GATE

Gunfire reverberated across Turkman Gate area on the 19th of April 1976 The hordes of Nadir Shah w re not there—the hands that pulled the triggers were commanded by a power hungry mother and her ambitious upstart of a son In the name of beautification the poor were being evicted 'Garibi Hatao was getting a new interpretation eliminate the poor In one of the sordidest operations during the Emergency Sanjay and his mother managed to lay waste a throbbing area hallowed by history Power was in their hands and it manifested in the muzzles the r minions levelled against the people Resistance meant a bullet Thousands were uprooted from the hearths of their ancestors to be banished to what became known as Delhian Siberia

The master mind behind all these operations was Sanjay Gandhi Unmindful of the ultimate this modern *de Sade* played with the lives of thousands of people Taking advantage of his mother s indulgence for her son he interfered with the Gov rnment at every step

The people of Delhi was the prim target of this megalomaniac Strong arm methods were natural for him and recklessness his ability D struction was his hobby demolitions his pleasure Nobody knew whether in his childhood days he played at dewinging butterflies He saw everything through his myopic eyes It was this commercial view of Sanjay that b came a curse to the p ople of the Turkman Gate Th y had to bear the brunt of his ruthlessness as h felt that a few dilapidated buildings in the heart of th city was a continuing eyesore' Apart from this the Prime Minister s house had a feeling that the Turkman Gate area was anoth r Pakistan militating against the Emergency This force was to be d fused There was no need for a second thought—the buildings were just to be demolished

The entire process of demolition and rehabilitation would give the impression that this was all done with the ulterior motive of dispersing the Muslim concentration in this part of the city Sanjay was particularly unnerved by the concentration of Muslim population in the Turkman Gate He and his mother had their own agents planted in the area to take stock of the situation They passed on such damaging information to Sanjay that he did not hesitate to order the physical removal of such disloyal people from the area They were to be disbanded and subjected to such misery that they would not stand up to speak again The Prime Minister of this country shielded the moves of her son and in many cases she helped him to have his way

Sanjay s penchant for commercialising the urban area in Delhi added fuel to the fire His dream of building a commercial complex with a forty storeyed building to genarate funds for the Delhi Development Authority (DDA) was going to his head He never looked back He might have made up his mind in this direction after his two minutes visit to the Turkman Gate area about a month and half before the actual firing The crown prince was invited to the Turkman Gate by the people of this area at the instance of Ramesh Dutta the Municipal Councillor from these Dutta told them that once Sanjay visited the area all their problems would be solved The poor people believed him and spent money and worked hard arranging a reception The great son of the greatest Prime Minister came in a mood fit for a royal personage but left the place in two minutes obviously in a huff He did not like the people around The poor people were disappointed They never knew that the vibrant leader would order the demolition of their shelters Sanjay s delirium left him only when he visited the area again on April 20 1976 and satisfied himself of the good work done by the DDA with the able assistance of the police

Sanjay s dream of clearing the Turkman Gate area would not have materialised without a too willing DDA ably assisted by a police machinery They cleared the area but not without creating an explosive situation in which many people lost their lives and many sustained serious injuries

The DDA started its demolition operations in Turkman Gate on April 13 1976 Beginning with the Dujana House transit camps hundreds of houses including private property were demolished and the area was levelled in about two weeks There was no resistance to the demolition of the Dujana House transit camps The demolition squad s intention to pull down more buildings was made known only after that Fear and panic gripped the residents of the area They wanted to stop the demolition The DDA officials were unable to disclose the extent of their operations The people and local leaders of the area went from pillar to post to stop the bulldozers But they reached nowhere

On April 19, 1976 the tension and resentment had taken the shape of a riot The fear and anger of the people were compounded by the fact that a family planning camp was set up in Dujana House near the site of the demolitions Right from the morning of that day a good number of people collected near the family planning camp in Dujana House and began dharna and other steps to prevent forced sterlizations Ruksana Sultana the self imposed social worker who bathes herself in perfumes before going to the slums was present at the camp She was virtually whisked away from there in a magistrate s car to be rescued from the fury of the crowd The people moved to the site of the demolitions near the Turkman Gate where a dharna against demolitions was already on Even though the demolition squad did not withdraw they waited for orders of the DDA Vice Chairman Jagmohan

In the meantime the crowd started swelling and by mid day there were thousands raising anti demolition slogans They demanded a definite assurance of protection to their houses No body present there was able to meet their demands People became restive and started throwing stones Police retaliated with teargas shells and cane charges and succeeded in dispersing the crowd The people retreated to the byelanes and roof tops and continued to brick bat A ding dong battle followed The crowd took strategic positions and it was difficult for the police to have a breakthrough Police therefore sought reinforcements and after strengthening their side decided to fight it out

The police side was electrified by the presence of the then Deputy Inspector General of Police (Range) P S Bhinder who arrived on the scene by 2 30 p m Bhinder (now facing charges of murder) was the trusted lieutenant of Sanjay Bhinder was annoyed that action had not been taken against the crowd He was in a mood to open fire The police armed with rifles revolvers pistols and lathis pounced upon the people Innocent people were shot dead point blank No police officer would open fire at a fleeing man But some senior policemen emptied the magazines of their revolvers Many among the dead received bullets in their back Police had ammunition of which no records were maintained (this can happen only in a decoit s camp) Police records about the number of rounds fired had proved to be false About the number of the dead it is anybody s guess The depositions before the Shah Commission had only accentuated the bogey of doubts already held by many in this resp ct The production of the blank firing ord r issu d on April 19 1976 had shown that not only blank arrest warrants but blank firing orders were also being issued during the Emergency Police officers had given varying accounts of the number of rounds fired and number of persons dead One police officer at the time of deposition wanted a correction of the number of dead given by him in an earlier written statement submitted to the Commission

The dead bodies were kept in police stations in the night and were taken to the mortuary only the next dav (The ghost story goes that the police were afraid of going to the mortuary during the night) Senior policemen were trying to take advantage of the graveyard records to substantiate their own records as to the number of firing deaths Many sustained bull t injuries and did not approach any hospital for treatment fearing involvement in cases

After firing police entered the houses to arrest the rioters They had mercilessly beaten up people and did not spare even the injured Women were molested and old women were beaten with lathis and rifle butts Barbarity in its naked form was exhibited These atrocities were committed by the same police which folded hands to the public to save Rukhsana Sultana at the Dujana House Family Planning Camp

The police broke open a mosque (Fazle Illahi Mosque) at Turkman Gate and concocted a story to justify their action that they had to do so because two policemen were dragged inside and stabbed there These two policemen testified before the Commission that they were never dragged inside the mosque They sustained injuries from flying missiles

The war was over Many lay dead and many were in hospitals The DDA was however unmoved The curfew in force in the area helped them to carry on their demolition operations without any hindrance Under the cover of the curfew and flood lit during the night they demolished hundreds of houses and cleared the area Bhinder was too keen to continue the operations that he had asked the DDA Vice Chairman to send more bulldozers the same evening The demolition operations continued unabated till April 27 1976 Curfew was in force in the Turkman Gate—Jama Masjid area for a few days more People of the area were not allowed to go to the mosque even on Fridays Passes were issued for this purpose but only a few collected them The DDA labourers and other officials were given a general exception from the curfew orders Normal life was denied to the people but unlawful demolitions continued unabated

The magistrates and some of the police officers present at the site had expressed their misgivings on the wisdom of continuing the demolition under curfew They were asked to keep quiet The Deputy Commissioner and even the Lt Governor who were against the continuance of demolition operations after the firing incident were silenced by an order from the PM s house

Mystery still shrouds the police levity in not conducting an inquiry into the events resulting in the death of at least eight persons and injuring more than a hundred The Home Minister or the Delhi Administration also did not favour an open inquiry The then Home Minister Brahmananda Reddy was in favour of a judicial inquiry but he was overruled A mock investigation of the firing incident was however carried out by an Assistant Sub Inspector of the local police station An officer of the lowest rank the A S I was supposed to in-

terrogate even the DIG and other senior officials present on the scene It is nothing short of entrusting the mouse to bell the cat The then IG Police D lhi Bhawanimal had the cheek to admit before Justice Shah that he had no knowledge of the investigation being carried out by a junior official An open inquiry would have exposed the police and the DDA would have been in soup

Sanjay was taken around the site of the riot the next day Bhinder wanted his Master to see and satisfy himself of the nice job done by the DDA with the efficient support of the police Sanjay also visited injured policemen in Irwin Hospital. Members of the public injured and admitted in the same hos pital did not earn the sympathy of the crown prince He later on ordered rewards to the injured policemen Bhinder was the guide to all these royal visits This service had paid him rich dividents Sanjay had saved his trusted lieutenant from future trouble by forcing the magistrate to sign firing orders which were actually given by Bhinder

The Turkman Gate was a pet project of Sanjay and he had great interest in the clearing operations in the area The intelligence officers who reported public resentment against demoli tion operations started on April 13 1976 were either susp nded or subjected to harassment at the instance of Sanjay He considered these intelligence reports utterly false and said that these officers were in league with certain interested elements

Sanjay would not believe even today that his underworld indulgence had brought hell to the people who were swept away from the Turkman Gate area Had it not been for the high-handedness of a band of officials who were vying with one another to curry favour with Sanjay the people of the area would have led a peaceful life Now the buildings are no more the people who lived the life of a compact society are scattered like leaves in the wind

For the victims of the Turkman Gate incident it was a day to remember when they recounted the horror stories before the Commission They told the Commission that we

have suffered as never before more than during the grim partition days And our sufferings have not come to an end even now Those who died of police firing are in one way lucky to have escaped the miseries The police had entered the houses and beaten up people mercilessly before they were arrested Many had sustained serious injuries—the medical reports show that many were admitted in hospitals with fractured legs hands trapisiums, broken ribs cerebral concussion and so on

Abdul Razak who was a resident of the Turkman Gate told the Commission that on the day of the firing when he came out of his house he was hit by a bullet and soon fell unconscious He was taken to a nearby mosque and was bandaged He had bullet injuries in the abdomen and arm He did not go to a Government hospital for fear of involvement in police cases He had a miraculous escape His body still bears marks of bullet injuries Dr Bishnu Kumar of the Maulana Azad Medical College Delhi who was consulted on the possibility of a person surviving a bullet injury in the abdomen had opined that the injury could be caused by a bullet entering and exiting after passing through the abdominal cavity in its track If this had happened the injured would survive and would not need vigorous medical care

Mohammad Yusuf was dragged out of his house by a police party and taken to a kiosk near Turkman Gate and was severely beaten His left forearm was fractured at two places and one finger joint of his right hand was displaced He lost consciousness and fell in a drain The police did not arrest him because of his serious injury Jamaludin recalled how policemen stood on roof tops of vacant houses and shot down innocent people He said whatever happened in Turkman Gate wa the result of a calculated move Abdul Jabbar Changa or Mohammad everyone had similar stories to tell They were severly beaten fracturing their hands legs or ribs

A number of burqa clad women came to the Patiala House to tell the Commission about the nightmare they had had A distraught Jamila Begum broke down when she recounted the fearful experience of witnessing the molesting of her seven daughters in law by the policemen on the rampage She said

that her old father in law was beaten up and the police opened her steel safe and removed all her things A desperate women she asked Justice Shah to let her teach a lesson to Jagmohan Allah Rakhi another old woman who had also broken down on the witness stand told the Commission that six or seven police men had broken into her house and beaten up her husband and son They did not spare even women She tried to come in between the police and her husband and son but was hit by a rifle butt on her forehead causing a serious injury She was taken to the hospital and had to have eighteen stitches on her forehead Some of the neighbouring girls who sought shelter in her house were molested by the policemen Some girls had scaled the walls to escape from the police One policeman snatched the *duppatta* of her daughter

Anaro a frail old woman, had lost her eleven month old grand daughter under the debris of her house which was bull dozed on the night of the doomsday She shouted at the height of her voice that the DDA and Jagmohan who had brought untold miseries to her should be punished Bundo Devi had told the Commission that her grand father Chandu Lal was burried alive in their jhuggi (hut) when a neighbouring pucca construction was pulled down on April 19 1976 The body was taken out later and cremated the next day

Shahodan had stated that her husband Latif Ahmed who was arrested on April 20 1976 was beaten to death in police custody She was not allowed to see her husband Twelve days after the arrest the body of Latif Ahmed was handed over to the relatives Police records say Latif died of cholera—police cholera !

The police records show that 146 persons including 58 police personnel and two magistrates sustained injuries during the riots The discrepancy in the police version is evident from the hospital records Names of 36 persons including those of 22 police officials and one magistrate figuring in the police records do not figure in the lists of the injured available with the medical authorities The list given to the Commission bythe medical authorities on the other hand had names of thirty five persons who do not figure in the police list This shows that more persons were injured than what the police version concedes

The police version about number of deaths in the Turkman Gate firing is false They have an account of only six But depositions by policemen themselves confirmed eight deaths Investigation by the Shah Commission officials, however would take the total to more than twenty The CRP, DAP and Delhi police gave differing versions about the number of rounds fired on that day

R K Sharma Sub Divisional Police Officer, who fired from his revolver had denied even to have carried a revolver to the riot scene A K Singh a former Commandant of the Delhi Armed Police also denied that he had fired from a revolver But he is the only police official who has admitted that there were at least two casualties as a result of the firing ordered by him In contrast to others who either denied having given firing orders or pleaded that their orders were to fire in the air A K Singh was forthright in his testimony He admitted that he had ordered his rifleman to fire at the crowd and had also pointed out to his men the person who should be the target

The former Superintendent of Police Delhi (Central) R K Ohri told the Commission that the police was under severe pressure and the situation was very tense and serious He brought to the notice of Justice Shah that 550 teargas shells were fired in the Turkman Gate area before resorting to fire on April 19 1976 This would give an idea how desparate the situation was in the riot—torn area However Ohri s initial defence proved useless because of the police burtalities brought to light by many witnesses both police and civilian

Bhinder who was supervising the atrocities on the p ople in the afternoon of that cloudy day , had denied having ordered firing or entered the lanes leading a police party CRP constables have testified that Bhinder tried to snatch their rifles when they refused to fire on oral orders from him Bhinder said that he had an operation a few days back and had been called to duty from leave on the morning of the day of firing He had been in no position to go running around He also denied he visited the Turkman Gate area the next day

along with Sanjay And he flatly denied that he was present at No 1 Safdarjung Road when Sanjay pressurised the magistrates to own up and sign firing orders which were actually given by Bhinder himself

Scores of policemen who testified b fore the Commission had proved that the police force was mad unrestrained and lacked leadership The police officials and magistrates did not confer among themselves The Delhi Police and CRP men had differences in dealing with the situation They are now engaged in mutual mud slinging

The police officials did not behave rationally even after the situation was under control They never bothered about registering a proper case and enquiring into what happened From the Inspector General of Police downwards nobody thought of a proper enquiry Assistant Sub Inspector Gobind Ram Bhatia was asked to inquire into the firing incident He examined 67 witnesses including Bhinder Ohri and magistrates He did not interrogate or think it necessary to examine the members of public who sustained injuries In his eyes the members of public were guilty After making the farce of an enquiry the authorities failed to register a case because the public prosecutor had felt that there were several defects in his report The defects were never rectified

The magistrates who were on the sc ne of the firing were of the opinion that the adamant stand taken by the DDA was mainly responsible for the unfortunate turn of events Had the DDA discontinued the operation in the morning of April 19 1976 and adopted conciliatory steps the trouble could have been avoided

Who is going to answer for the murders and atrocities com mitted on these people ? The witness chair at the Shah Commis sion had given opportunity to those villains of yesteryears to apoligise or defend themselves Right from the Lt Governor and dignitaries like Jagmohan and B R Tamta to the officials of the lowest ranks in the Delhi Administration everyone tried to pass the buck The DDA officials however made startling revelations about the role of the DDA in the Turkman Gate incident

The DDA had committed all these atrocities on the people without any sanction from the Government, except that of the prince The DDA had no legal jurisdictien to undertake demolition or development operations in the Turkman Gate area

Deposing before the Commission Jagmohan had a difficult time defending his action at the Turkman Gate He held that the firing in the area was not the result of the demolition drive but the police reacted to the riotous crowd which was giving vent to their feelings against the family planning camp in the nearby Dujana House He tried to dispute the police version. However Jagmohan himself failed to mention this point in his letter sent to the Ministry of Works and Housing a day after the firing incident This he said was because the Lt Governor did not want it to go on record as he was behind the organization of the family planning camp Jagmohan was foolish enough to tell the Commission that Krishan Chand had told him that the family planning camp should not be cited as a reason for firing as it might affect the country s foreign relations On persistant questioning Jagmohan admitted that he did not properly understand the directions of Krishan Chand Jagmohan s letter to the Central Ministry described Turkman Gate as one of the worst slums of Delhi The demolition work was in the interest of the residents of the area On April 19 1976 the situation became tense on account of the inflammatory speech by the Imam of Jama Masjid There had been a pre planned conspiracy to stall demolitions The letter also speaks of a conspiracy by those who were opposed to the Government s progressive policies

Jagmohan maintained that all the residents in the area had agreed to shift to the new sites and there was no resentment over the demolitions Justice Shah interrupted Jagmohan if Jagmohan were to be believed the residents must have been anxious to move but someone must have been holding them back while the others were keen to be shot down Justice Shah wanted to know how many of the persons who had been magnanimously given alternative accommodation were owners and what happened to them ? A verbose Jagmohan was stunned for a moment But then he argued that his officers had

discovered that no house owner or occupant in the area was paying property or house tax Justice Shah pointed out that taxes being paid by owners of as many as 29 houses pulled down by the DDA Jagmohan again had no answer Justice Shah observed that it was shocking for Jagmohan to suggest that if some one did not pay taxes his house should be pulled down Witness after witness had testified that the owners of the houses had produced purchase deeds and tax receipts but the DDA officials were turned a Nelson s eye to them

Jagmohan admitted that the DDA had not bothered about the technical provision of the law and had just followed the normal practice of offering inducements to persuade the residents to move In Turkman Gate however it came out that the inducements were the bulldozers and bullets

The stand taken by Jagmohan that the demolition opera tions in the Turkman Gate area had the approval of Krishan Chand proved false A file produced by the DDA in support of Jagmohan s claim was fabricated The file was actually prepared in 1977 and ante dated to April 20 1976 The officials who handled the file testified that they had drafted the notes in the file in February 1977 When the notes were prepared Jagmohan wanted it to be back dated but the Assistant Commissioner (Slums) D C Jain was not willing to do it Asked to explain Jagmohan brushed aside the allegation that file was fabricated But he admitted to correcting the year making it 1976 He said that the very day the DDA budget for 1976 77 had been passed and he had got confused as he had these two figures 76 and 77 constantly in his mind Justice Shah observed that surely in the year 1976 you don t think of 1977 even though in 1977 you can by mistake write 1976 That was the real mistake they never thought of a changed 1977 !

The former Dy Commissioner (Slums) of the DDA H K Lal who took the initiative to launch the Turkman Gate scheme had told the Commission that the area taken up for clearance in April 1976 was between two posh blocks of Asaf Ali Road It was a continuing eyesore Lal explained at length the Delhi Ajmeri Gate (redevelopment) scheme covered the Turkman Gate area also He however admitted that though according to the original scheme new residential

accommodation was to be built here the evictees were never given the option of coming back

A crest fallen Jagmohan now tried mud slinging to salvage his credibility He said that D C Jain had a grudge against him because he had reprimanded Jain for his involvement in a scandal with a girl in the office Jain immediately came to the witness stand to protest his reputation The girl in question was a stenographer who challenged his order transferring her As she had high connections she got three demi official letters written by R C Gupta the member engineer of the DDA to stay the transfer order Jain did not obey and he recommended suspension of the girl Gupta therefore took the girl to Jagmohan The girl was later promoted and posted at headquarters Gupta who also wanted to make his position clear said that the girl went to him crying complaining against D C Jain that she was being victimised because she had not accompanied D C Jain to a hotel

Krishan Chand told the Commission that he was kept in the darkness about the demolition operations in the Turkman Gate area He said on April 19 1976 after the firing he had given orders to halt the demolition operations but the next day Sanjay Gandhi came and started giving orders The DDA records state that on April 22 1976 a DDA official had discussed the demolitions at length with the Lt Governor Krishan Chand claimed that this was not true He added that it was quite a fashion among officers to write that the Lt Governor had ordered when they actually meant Sanjay had given the orders Now everyone is trying to pass the baby on to me he said

The Former District Magistrate Delhi Sushil Kumar, testified that after the firing in Turkman Gate area the demolition operations were continued on orders from the Prime Minister s house Sushil Kumar recommended to the Lt Governor that the demolition operations should be stopped altogether The Lt Governor agreed but the operations continued The curfew helped them Sushil Kumar told the Commission that he was under the impression that the Lt Governor also was not a free agent He seemed to be acting under compulsion

The entire episode is terrifying involving enormous human problems The authorities, however tried to give a communal colour to the incident Sanjav and Jagmohan who did not like like another Pakistan in the heart of the city blamed communal elements like the Muslim League and the JEI for violence in the area This found expression in a statement issued by Mir Mushtaq Ahmed The statement was corrected and finalised by Navin Chawla obviously under instructions from Sanjay

The firing and the resultant deaths did not prevent the DDA from proceeding with the plan of commercialising the area Unmindful of the fact that this would violate the Master Plan of Delhi Jagmohan and Sanjay moved ahead with the project involving construction of a multi storeyed building with forty four floors and two basem nts This was objected to by the Additional Chief Town Planner and many other individuals and organisations But the DDA decided to engage a private architect to prepare designs for the multi storeyed commercial complex The Lt Governor who approved this plan had the feeling that the proposal did emanate from the Prime Minister s house and primarily from Sanjay and therefore he had no option but to recommend and send it to the Central Ministry of Works and Housing for its final approval That Ministry also had no option but to approve it The political change in this country had foiled the Sanjay plan and now a new housing complex to rehabilitate the displaced people would be completed very soon

The entire episode would be written in letters of blood in the pages of Indian History

Sanjay wanted to become another Nadir Shah But time and history did not permit it Besides he was too lean for the mantle

KAPASHERA AND SAMBHALKA

One paisa that ruined a village is the story about the demolitions in a tiny village—Kapashera—in Delhi Way back in 1972 when Sanjay s Maruti was zooming he had tried to strike a deal with Colonel R S Yadav partner of a petrol pump situated near his car factory Sanjay demanded a commission of two paise on every litre of petrol he would purchase from Col Yadav s petrol pump Yadav agreed to only one paise He told Sanjay that he was at liberty to do his purchase elsewhere if he could not agree to these terms Sanjay felt insulted Yadav had wounded a snake it would wait and bide its time to strike at its detractor

Troubles soon began for Col Yadav His partners would visit Maruti factory only to come back and create trouble for him Once an armed gang attacked his petrol pump in broad daylight in the presence of a police flying squad and a number of people His 82 year old father was shot dead and Yadav him self sustained injuries The murderers were arrested but were released immediately on bail The murder committed on a public thoroughfare in the presence of many people and in broad daylight could not be proved and the criminals were acquitted Col Yadav approached the Lieutenant Governor and the Inspector General of Police to take the case to the High Court But they refused While Bhawanimal gave a plain no Krishan Chand s reaction was *Salon Ne Paise Le Liye Honge* (They must have taken money) in reference to either the police or the officials Who was behind all these hienous crimes?

The snake had neither fully avenged nor pacified It was holding back enough venom for a fatal final strike The Emergency gave him ample cover and opportunity Under its all pervading cover Sanjay ordered the demolition squad to village Kapashera His target was Col Yadav s house Yadav naturally resisted the move and threatened to shoot anyone who touched

his hcuse without legal orders The demolition squad hesitated to Sanjay s dismay Caught in the fray were the innocent people of Kapashera and Sambhalka villages who lost their homes and whatever life within their means they were leading

Sanjay had so many other reasons for ordering the destruction of these villages It was an eyesore for him as it was on the way to his factory He had to slowdown his vehicle to cross the villages when he drove past them to his Maruti Villagers and animals used to stray across the road Sanjay did not like such annoyances and he had a very special way of removing anything that annoyed him

Another reason for unleashing his anger on the innocent villagers was that two or three small—scale industries had come up in the Kapashera village A prejudiced Sanjay could not rest content with the idea that an industrial complex was coming up next to the Maruti complex

The Delhi Development Authority and the Municipal Cor poration Delhi who carried out the demolitions had committed atrocities on the people They demolished houses which were twenty to twenty five years old Authorities had no legal right to demolish these houses But they had pledged their hearts and soul to the Prime Minister s household and were answerable only to Sanjay and his men

The residents of these villages were given neither any notice of demolition nor time to remove their belongings Some of them had gone to courts and obtained stay orders but officials disregarded these orders

The demolitions started like a military operation The DDA and Corporation offi ials with the help of about two hundred police men and an equal number of labourers moved in like storm troopers on Septemb r 4 1975 and started pulling down houses The poor villagers had no time even to remove their belongings Grain clothing furniture and other house hold goods were all destroyed They helplessly watched the total destruction As most of the menfolk were out on work the women and children were unable to do anything The officials pronounced themselves deaf and blind and were un moved by the laments of the women and children The agony

all around was their ecstacy The bulldozers of the DDA had placards proclaiming I am deaf and I am blind The villagers who requested the officials to spare their houses were told that the officials were also deaf and blind The pleadings fell on deaf ears What Sanjay did only Sanjay could undo !

The DDA officials told the villagers that as the demolition was ordered by Sanjay Gandhi they should meet him if they wanted redress The innocent villagers met Sanjay at his Maruti factory the next day The poor villagers were taken aback by the arrogant attitude of the royal 'son Sanjay told them that the people of Kapashera were 'scoundrels He taunted them that the actual demolitions were yet to begin

If one could believe his eyes he could have seen the officers who carried out the demolition operations wiping their eyes when the poor villagers of Kapashera and Sambhalka recounted their woes B L Yadav fan elderly farmer said my lie s savings are in dust After the bulldozers were through there was nothing but rubble I am dead for all practical purposes I eat and sleep but I do not feel a part of life any more Pyare Lal another villager said Our lives are finished I do not have money to educate my children My dreams are over An innocent villager he wondered how it would be if DDA bulldozers rolled over the house of Ranbir Singh (DDA official who supervised the demolition in these villages) and he himself was asked to witness it Why does not God turn him deaf and blind ? Ranbir Singh s pet answer to all the pleadings of the villagers was that he was deaf and blind Gangadhar also from Kapashera said that his daughter in law fainted as she could not withstand the ruthlessness with which their houses were being razed to the ground He felt that he could be avenged only if Mrs Gandhi s farm in Mehrauli was bulldozed in the same manner Ram Kishan a seventy six year old man who owned sixteen pucca houses in Kapashera said he had lost everything and now has only sky above and earth below The DDA authorities had even carted away the debris to erase all evidence of demolition The elderly villager who broke down during his testimony lamented that the villagers were not even allowed to sit near the debris of their houses and smoke hookah or drink a cup of tea because Sanjay might be angry

Those who resisted the demolitions were threatened with arrest under MISA

Colonel Yadav who had to pay heavily for annoying Sanjay told the Commission that Sanjay was infuriated by a stay order obtained by him from a lower court Sanjay told Yadav in a sarcastic tone that if he wants to save his house he should obtain a stay order from the High Court Yadav expressed his inability to afford the huge sum involved in it Sanjay s reaction was that as Colonel Yadav was a member of the Delhi Gymkhana Club he should go there in the evening and offer two bottles of whiskey to any Judge of the High Court to get a sure stay This was the opinion of the Prime Minister s son one who aspired to don the mantle himself one day about the tribunals in this country As Mrs Gandhi so her son

About the illegalities committed by the Corporation authorities Yadav said that his house had been built even before the Municipal Bye laws came into force Even though he had obtained a stay order he was harassed by the authorities and was told that the orders for the demolition of his house came from Sanjay That was how he met Sanjay at No 1 Safdarjung Road As his meeting with Sanjay was a failure Yadav alongwith a delegation of Ex servicemen met Mrs Gandhi who ordered R K Dhawan to ensure that his house was not touched Sanjay s wishes being against this Mrs Gandhi s orders did not carry weight Yadav was asked to see Sanjay again and when they met at No 1 Safdarjung Road Sanjay asked him to demolish the front portion of his house himself otherwise the Corporation would demolish the entire house Realising the gravity of the situation Yadav found no alternative but to demolish the front portion of his house Even this did not put an end to his troubles

Col Yadav who is now the Education Minister of Haryana broke down at the witness stand as he recalled how on the Diwali night in 1975 his wife had prayed in the Puja room that the family house should be saved from the bulldozers In a choked voice Col Yadav told Justice Shah that what had hurt him most was that after twenty four years exemplary service

in the Army he was treated like a criminal He pointed out that Jawans of the Army were willing to lay down their lives for the country for salaries of rupees one hundred and fifty to two hundred He had expected senior officials of the Government to show some initiative and courage They should not stoop to an irrational Sanjay even if it meant to them minor inconveniences like transfers or suspensions That would have contributed to the freedom of the country

The plight of factory and shop owners of these villages was no less pathetic Som of them set up their factories on the advice of the Director of Industries D lhi and had obtained permission to establish their factories in that particular area They were not big industrialists but have invested their life s savings to start small ventures in a small way

Sat Prakash Gupta who owned the demolished Delhi Paper Products' told the Commission that the arrival of the demolition squad had taken him by surprise No time was allowed to remove the finished goods and raw materials Machinery was also destroyed Gupta said that it was an irony that when the demolition squad arrived factory inspectors from the Defence Ministry had just finished the inspection of goods worth about rupees one lakh at his factory The inspectors pleaded with the DDA offi ials that at least finished goods should be allowed to be removed These words fell on deaf ears The bulldozers moved relentlessly destroying the factory building machinery and goods

One of the partners of Nu Foam Rubber Industries S K Bhutani whose factory was also razed to the ground later met Sanjay Gandhi He advised him to go over to Gurgaon near Maruti where he would be provided with alternative accommodation People were not allowed to take photographs of the demolition Cameras were snatched away Bhutani said we had no option but to say that you may take away the reels but return the cameras Bhutani had shown the stay order obtained from the court to Sat Prakash a DDA official present at the site The official told him that his stay order was not worth the paper it was printed on Sat Prakash however denied this allegation in the witness chair

Another factory owner S P Gupta told the Commission that even though he had obtained a stay order from the Delhi High Court, he had to withdraw the case from the court because within the premises of court a DDA official threatened him of arrest under MISA

The officials who were responsible for such gross contempt of court were called to the witness stand and when asked to explain their conduct pleaded ignorance of such orders Rajinder Singh Kaur a woman official of the DDA who threatened S P Gupta of the Delhi Paper Products that he would be detained under MISA if he did not withdraw his case from the Delhi High Court categorically denied the allegation Justice Shah was perhaps a little doubtful about it He remarked I take a very serious view of a thing like this Persons responsible for this kind of behaviour will come to grief Justice Shah added if I am satisfied that false evidence has been given to the CommissionI can direct that these persons be prosecuted

The Commission was also told how the roads were cleared when the crown prince drove past the village He was escorted everyday by a Delhi Police patrol car with armed guards from No 1 Safdarjung Road to the Haryana border where the Haryana Police used to take over from the Delhi Police Armed guards used to line up the route of the high way as Sanjay drove to and from his factory Even animals were not allowed to cross the road when his car passed through the villages A villager complained that two of his dogs were killed by the authorities simply because they had not been tied up

These villagers who had to bear the brunt of the Sanjay wrath suddenly found themselves to be VIPs after the announcement of the elections in January 1977 They went to No 1 Safdarjung Road to seek alternative accommodation R K Dhawan immediately telephoned to DDA authorities and promised these villagers that they would be given alternative accommodation But Dhawan had a very minor bargain —next time they should come in trucks in large numbers and raise slogans in support of Mrs Gandhi But villagers did not strike the deal

One villager made the startling revelation that after the demolitions when the residents of Kapashera approached Jagmohan for alternate accommodation he demanded Rupees twenty to thirty thousand to meet Sanjay Gandhi

The officials who had resisted the illegal steps and unconstitutional authoritarianism were threatened with MISA or were punished with suspension reversion and dismissals A Zonal Assistant Commissioner of the MCD O P Gupta told the Commission that the houses demolished at Kapashera and Sambhalka villages were not unauthorised because they existed on private land After the operations in September 1975 the left outs were demolished in December as Sanjay was so insistent about it The Municipal Commissioner Delhi B R Tamta told the Commission that he was asked by Sanjay to terminate the services of O P Gupta but he only asked Gupta to proceed on leave as he had no other alternative

Another Zonal Assistant Commissioner S S Mann was also treated in the same manner He was hesistant to further demolition in Kapashera and Sambhalka villages as he felt it illegal He was also suspended for his hesitation Tamta how ever told him that the suspension order was to be passed no, because he (Tamta) was unhappy about his work but because he was under pressure from the higher ups

The trail of destruction that Sanjay left was appalling indeed

ARJUN NAGAR

It was again the inflated ego of Arjun Das that prevailed upon the Delhi Development Authority (DDA) to demolish houses in Arjun Nagar a village in the midst of posh residential areas of South Delhi The political rivalry between Arjun Das and Shashi Bhushan led to the demolitions Bhushan promised the people of the area that their houses would not be touched Arjun Das a resident of the area felt that an encroach ment of his domain had been done and wanted to show his mettle He had Sanjay Gandhi as his source of influence authority and power throughout the Emergency

Das supervised the demolition of his own house and those of others He was not worried as he was assured of posh flats in South Delhi He got thirteen DDA flats allotted to him and members of his family Ration cards of his relatives were overnight transferred from other areas and registered in a ration depot in Arjun Nagar to establish bona fide residence Out of 13 flats four were allotted to his brothers one to his father and the rest to his other kith and kin Even thougn Arjun Das troubled himself to transfer his ration card the DDA officials never bothered about it They required only a word from Arjun Das Even if he had asked for fifty flats they would have been happy to oblige

Arjun Das was such a terror in Delhi that DDA officials dared not ask him anything One of the officers of the DDA Ranbir Singh told the Commission that even the police could not protect anybody from his anger so I had to concede his requests Singh added he is a very arrogant person he does not believe in the rule of law the man is well known for his misbehaviour with even very senior officers' Arjun Das the mite was really mighty

The demolitions in Arjun Nagar was illegal as they were elsewhere during those black days DDA officials had revealed that the decision to demolish the structures in Arjun Nagar was taken by Jagmohan in consultation with 'higher level And it was a prestigious demolition About 1215 structures were demolished in operations in September—October 1975 and in January 1976 Those who protested were threatened with MISA and those who obtained stay orders were arrested under trumped up charges They were released only when they withdrew their cases from courts The residents were given only two to three hours notice before the demolitions One resident received a notice four months after the actual demolition'

The demolition squad threw out the belongings of the people One DDA official told a resident that if he stayed on in his house he would be buried under the debris A Shiv temple built during Shershah Suri s regime was demolished one night and the idols were thrown into the nearby nullahs

Depositions of demolition victims unravelled another pathetic picture of cruelty Major R S Khatri whose property worth three lakhs was destroyed because of demolitions told the Commission that Arjun Das used to claim that Mrs Gandhi treated him like her son Das was a tenant of Indu Devi a widow in Arjun Nagar With the help of the local police he threatened his land lady and got for him and his brothers her power of attorney for her house But when she refused to execute the sale deed Arjun Das brought bulldozers to Arjun Nagar The retired Major said that the residents were earlier assured by Jagmohan and Arjun Das who was the Councillor for the area that their houses would not be touched But suddenly they found themselves jammed by hundreds of policemen as if in an ambush All his belongings including refrigerator television set and radiogram were thrown out in the debris by the DDA officials and the police He disputed the DDA claim that Arjun Nagar had three hundred huts Khatri identified several houses in the photographs submitted to the Commission by P N Lekhi the Government counsel These were permanent structures but passed off by the DDA as huts Lekhi said amidst laughter that if these are jhuggis (huts) I would like to own one

Mahant Atma Ram broke down when he narrated how his Shiv Temple and its property worth about four lakhs were destroyed He said he and his five children had to face starvation The education of his college going daughters suffered because of the doings of that illiterate Sanjay Gandhi

A railway employee R C Joshi was arrested when his wife obtained a stay order against the DDA s move to demolish her property Their property worth three and a half lakhs was demolished inspite of a court order to the contrary She filed a contempt of court case against Jagmohan and the DDA This led to the arrest of Joshi on December 20 1975 The police jumped over the boundary wall broke open the door and awakened the family at midnight and whisked away Joshi to police station Later he was served with a MISA warrant for allegedly making a speech at 5 O clock in the morning when actually he was under custody The police officers who carried out this arrest had deposed that they had done so under orders from their superiors Justice Shah asked them whether they would arrest any person on false charges if ordered to do so by their superiors They said yes without batting an eyelid Joshi was released only when he withdrew the contempt case against Jagmohan and the DDA

Another victim G R Sharma, deposed that he and his son were arrested under MISA to pressurise him to make his wife withdraw the case in which a stay order for his property in Green Park a nearby residential area was given The Station House Officer Hargobind Malik and Assistant Sub Inspector S P Tyagi of the Vinay Nagar Police Station had threatened to kill him and throw his body away Even the Sub Divisional Magistrate refused him bail till his wife withdrew the case

The Superintendent of Police Rajendra Mohan who is supposed to have ordered the arrest of Joshi and Sharma told the Commission that he knew nothing about these arrests He said that Inspector Malik was a friend of Arjun Das and often took orders from him Mohan however admitted that during Emergency the police used to receive two types of lists from the C I D one signed and the other unsigned The latter category was of people inconvenient to the Government and they

used to be taken into custody on false charges

The story of Kanshi Ram who moves in crutches is pitiable Eventhough he was given alternative accommodation he was made to move from house to house and finally given one of the tenements meant for hut dwellers

Ranbir Singh admitted that Arjun Das and his relatives were given flats in localities of their choice He had discussed the allotment of flats to Arjun Das with Jagmohan but he did not have the courage to scrutinise the applications of Arjun Das or ask him if several other applicants were related to him

The once all powerful boss of the D D A , however denied that he knew that 13 flats were allotted to Arjun Das and his relatives 'I approved the general principle of alloting flats to displaced persons I did not go through individual cases Jagmohan said that he knew Arjun Das only as a member of the Metropolitan Council

The Chairman of the DDA Krishan Chand had only an ornamental status He was not told of any demolitions He came to know of it only when the demolitions had actually begun He also had no knowledge about the allotment of 13 flats to Arjun Das and his relatives

The entire story fits in well with the scheme of Arjun Das to capitalise his association with the 'crown prince He really did make hay when the sun was shining on his political firmament

ANDHREIA MOR

In Chatarpur also the clearance had to be carr ed out to satisfy the whims of Sanjay Gandhi This was how the former Municipal Commissioner of Delhi Tamta explained the illegal demolitions at Andheria Mor close to Mrs Gandhi s farm in Mehrauli a suburb of Delhi Sanjay and other members of his family used to pass through this tiny village to go to their farm house in Chatarpur In one of his visits to the farm Sanjay was furious about encroachm nts in Chatarpur Sanjay Gandhi did not like anything flourishing anywhere around his farm He asked Tamta to remove the squatters at Andheria Mor within a specific date otherwise the Zonal Assistant Commissioner (ZAC) should be dismissed The ZAC O P Gupta, was reluctant to carry out verbal orders and insisted on written orders and Tamta gave them

Gupta had to suffer for it Sanjay ordered his dismissal but Tamta asked him to proceed on leave On his return from leave he was reverted to a junior post The DDA demolished houses and shops without any legal notice These structures were very old and existed on private land

Deposing before the Commission Tamta admitted that the clearance operation was wholly illegal No proper notice was served upon the people concerned But he said Sanjay s way of speaking was such that no one could resist him Sanjay had demanded of him action within a specific date and time It was a question of going to jail or complying with his orders Tamta revealed that nothing could be done unless he (Sanjay Gandhi) okayed Virtually Sanjay had taken over all powers of the Municipal Corporation We had to act after discussing matters with him Justice Shah asked him why was he willing to discuss matters with Sanjay who was no one in the government—he was not a minister not even a M mber of Parliament Sanjay was more than a minister then for most people he was government repliedTamta

Government counsel Lekhi wanted to know why Sanjay was so much interested in destruction Justice Shah interposed that he could ask that question if Sanjay came before the Commission

green therefore the setting up of a resettlement colony was against the Plan The DDA decided to acquire the land in February 1976 The Land and Building Department of the Delhi Administration issued orders to acquire the land only on August 20 1976 However the DDA demolished the houses in the village occupied the land in April May 1976

There were three hundred and twenty six structures in the village The illegal action of the DDA had affected three hundred and forty six families It was improper for the DDA to treat semi pucca houses as huts and allot 25 square yard plots meant for hut dwellers

The case of demolitions in Sultanpur Majra evoked moments of laughter in the Commission hall Jagmohan s attempts to justify illegal demolitions were thwarted Justice Shah observed that you (Jagmohan) seem to have some kind of a Mughal attitude As a public servant he should have acted only according to the law Jagmohan went on to justify the unlawful demolitions on the basis of a so called decision taken in 1967 to set up re settlement colonies in the green area' specified in the Master Plan This had probably provoked Justice Shah to tell him you are so glib in talking about dicisions Jagmohan was asked whether he realised the enormity of the miseries he had caused to thousands of people because of such decisions He replied I had nothing personal to gain Justice Shah shot back ' Possibly a title Jagmohan was not one to relent He said the Padmabhushan had become a burden on him and it had caused him great dismay when he received it Justice Shah remarked humorously that he did not propose to inquire into the circumstances under which the award was made Jagmohan retorted I can surrender the title across the table if you want I don t want it said a smiling Justice Shah Now it was the turn of P N Lekhi to intervene— he for one would not even touch the title

The reference to Padmabhushan was relevant because Justice Shah mentioned that during the Emergency some officials appeared to have been over enthusiastic to do things completely out of their powers so as to win favoures

BHAGAT SINGH MARKET

The demolition squad of the NDMC broke open the barsati accommodation above one of the shops in Bhagat Singh Market, near Connaught Place in New Delhi They looted goods worth about rupees twenty five thousand kept in the room, during demolition operations No notice was given to the owner S P Dua who was not even in Delhi at that time Dua complained to the NDMC After a few days he got a reply that the barsati was demolished by the owner' himself and not by the NDMC The not so funny part of it was that the accommodation was regularised by the government as early as in 1965

Similarly a number of partition walls in the verandas of shops were illegally demolished by the NDMC demolition squad However the NDMC claimed that the demolitions were carried out by the shop owners themselves as the verandas in front of the shops were declared public streets

On February 23 1976 the demolition squad of the NDMC came to the market The shop owners protested and the squad had to retreat The squad however came back again on March 25 and demolished the partition walls Three shop keepers Chandra Prakash S P Chadha and Indrajit Gupta had obtained stay orders from the High Court They were whisked away by the police on April 17 1976 Criminal cases were later instituted against them This had a terrorising effect on the shop keepers and they withdrew their petitions the next day They were released from jail on April 20 But the criminal cases which were actually instituted to pressurise them were not withdrawn The day they had their petitions withdrawn from the Court the NDMC demolished the partition walls of the verandas in front of their shops

Deposing before the Commission former Secretary in the NDMC V S Ailawady blamed the shopkeepers for demolition of the partition walls He repeatedly said that the shop keepers on their own had demolished these structures realising them to

be against law He had no knowledge of anybody who resisted the demolition being arrested and kept in custody The Government counsel Lekhi wanted to know how Ailawadi came to know of the voluntary act' of the shop keepers Ailawadi said that all the shop keepers had informed him that they had done it voluntarily

This was again an example of disregard for law of the land and the courts of justice which prevailed during the Emergency

KAROLBAGH

The demolition of shops in Karolbagh an important shop-ping centre in Delhi was also carried out under orders from Sanjay Gandhi Shopkeepers of Karolbagh told the Commission that Sanjay had openly threatened them because he felt they were a pack of Jan Sanghis

President of the Traders' Association in Karolbagh Kasturi Lal Anand said that when the traders went to meet Sanjay at No 1 Safdarjung Road they were abused He shouted at them 'you are now licking my boots why do nt you go to the Jana Sangh'

Sanjay visited the market several times alongwith the Municipal Commissioner B R Tamta and other officials He used to receive complaints examine them and decide on what and when to demolish During one of his visits Sanjay found that an unfavourable crowd had collected and sensing the hostility of the crowd he and his followers left the area in a huff Sanjay did not wait for ordering Tamta to pull down the unauthorised structures in Karolbagh

Here again the authorities had disregarded the court orders staying the demolitions For them Sanjay was supreme As usual shopkeepers were threatened and tortured to make them withdraw their cases from courts Some of the traders were arrested the day before their case was due to come up for hearing The President of the traders' association who pleaded with Sanjay to spare them was the first target The demolition in Gaffar Khan Market started with the pulling down of the shop of Anand on August 10 1975 Sanjay went to the market at 4 o clock in the morning of that day along with 200 trucks of the demolition squad

A stationery dealer Subhash Chandra Chadha told the Commission tha he was arrested on the morning of the demolition day apprehending breach of peace The police however promised him that he would be released if he withdrew his case

from the court Chadha and another trader arrested on that day were refused bail by a Magistrate who had orders from above A policeman told him that a D I R warrant was ready for him if he was released on bail *He therefore had to pay* rupees three hundred to a police sub inspector to stay on in Tihar Jail After his release he had to pay rupees thirty to be allowed to make one telephone call from Tilak Nagar Police Station Chadha remained away from Delhi for a month to avoid re arrest

Another trader Shri Ram also spent one month in hiding in Haridwar He returned to Delhi only to see that the front portion of his shop demolished His neighbours and friends had helped his six year old son to guard the goods day and night

The humerous tri lingual testimony of Parduman Singh Batra relieved the tension caused by the revelations and was interpreted variously by the audience He complained that the traders were partition refugees who had barely managed to stand on their feet when their businesses were wrecked by the tyrannical demolitions

The Lt Governor Krishan Chand who was Chairman of the DDA expressed surprise when he heard from Justice Shah that the DDA had kept no official record of the demolitions Krishan Chand however admitted that the areas which felt the brunt of the demolition were Jan Sangh strongholds'

Depositions of Tamta and other officials have revealed that these illegal demolitions were carried out by the DDA because it had irrevocable orders from Sanjay

MAULING THE MEDIA

Tutored and guided by a woman Sanjay Gandhi entered politics from above by lending advice to his mother in matters of administration of State and controlling and supervising the Cabinet colleagues of Mrs Indira Gandhi as a matter of prerogative which was in fact an uncalled for political trespass Mrs Gandhi praised and promoted the budding 'youth leader, chastised and castigated the reigning youth leaders and asked the Congress leaders to take instructions from Sanjay in solving their problems She held that Sanjay was talking from the throne of *Vikramaditya* What she failed to realise was the truth that the immature youth leader' was flanked by opportunists and sycophants and overenthusiastic bureaucrats giving advice so as to have a chance to take a dip in the river of milk and honey' These selfish upstarts knew that only those who had access to the youth leader' could have access to the coffers of the state With such men of shady character having selfish objectives supporting him Sanjay plunged headlong on his career in politics towards inevitable catastrophe Many of these rubber spines had no hesitation to bow and crawl for anything which had the blessings of the Son and Mother, whom they identified with the State His grating behaviour and unpredictable actions created sufficient animosity among the leaders young and old, and the common man

A few of these leaders and administrators tried to safeguard their self respect But they too had to obey and live with the circumstances so that they were not humiliated, harassed and put behind bars They knew that to speak anything that was not acceptable to the ' twinity would be dangerous even suicidal

The fond and doting mother failed to realise that 'the brains which worked during the Emergency was not that of her son but that of his exploiters

To touch the fourth estate was like putting one s head into a hornet s nest By controlling the Press she dug her own grave By accepting the word of the sycophants she fell into her own trap And in that process she left no section of the society untouched—the judiciary executive and the legislature were all wrecked The eclipse she generated was total

By gagging the Press she thought she could keep the public in dark about what was happening around them In perfoming this outrage Mrs Gandhi was ably aided by her son and his ministerial trinity The four musketeers imposed the law of the jungle through goondas terrorising even police men Elec tricity connections for media were snapped all of a sudden A real and formal censor system which should suppress any news even distantly against the despotic regime became Indira s creed *Within four days after the declaration* of Emergency a countrywide censorship order was enforced As a stop gap arrangement Dr Baji the then Principal Information Officer (PIO) (who was later shifted to the Directorate of Field Publicity condemned for not toeing the lines of Mrs Gandhi) was appoint ed the Chief Censor Within three days a Censor Board was constituted and H J D Penha a retired Principal Information Officer was called from Bombay to take over from Dr Baji Cen sors were appointed at various centres of the country They were controlled from Bombay Calcutta and Madras putting an end to all murmur and chatter of the Press This marked the beginning of an era of illegal and nefarious reign which has been now exposed in all its ugliness

Censorship was the single most important and viciously perverted instrument of the Emergency The media what is known as the fourth estate in a democracy is the life blood of its existence There is no freedom of expression without an independent media What was seen during Emergency was an unprecedented gagging of the media through the instrument of censorship exercised by the state power

Mrs Gandhi was quite conscious about the propaganda against her person as well as her Government gaining momen tum She was advised by her versatile son that the only way to put an end to such an unorganised agitation of the public mind

was to declare Emergency and acquire complete control of the news media For such a drastic step the organisational set up of the Ministry of Information and Broadcasting (I & B Ministry) became handy Provisions of Defence of India Rule (DIR) were invoked to better the press Radio, Television and other controlled media of communications required only a moment to sing praises of the caucus

The motive behind such a strict and wild censorship was to keep the public in ignorance of what was happening in this country so as to instill fear and prevent protest snow balling into a movement which might have been extremely difficult to control Control of the media had the ulterior motive of achieving narrow self regarding ends Mrs Gandhi and her minions thought of it as the only way to suppress dissent and to build personal image to give credence to lies and to indulge in unlawful acts without public notice and criticism In an organised way governmental machinery was converted into an unlawful instrument of brain washing The control of the press had a very serious impact on the minds of the people of this country—they believed tell tale stories *

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* The harm of gagging the press came home to the Government with a bang in an interesting development which occurred during 1976 77 Every year the Health Authorities send teams to the various schools in New Delhi to vaccinate school children The better schools have their own medical facilities and they vaccinate their wards on their own Thus the Health Authorities usually reach only the Municipal schools and lesser institutions

In 1976 77 some one decided that the vaccination should be given on the foot and not on the elbow as was done earlier so that tell tale scars are not left This intention was good But in the high handed manner of the authorities that was prevalent in those dark days they never bothered to advertise their good intention

The health teams used the same vans and wagons that were used to transport the dreaded sterilisation parties

When these vans reached the schools at first there was no trouble But when the children reached home with tell-

The proceedings of the Commission brought to light the ways adopted by the Government during Emergency in attaining its control over the press and other media—how provisions-

tale needle marks on their feet, the parents began to wonder Since no explanation was forthcoming the rumormongers had a hey day

Again unfortunately on the day the vaccination programme started a lady journalist known to be very close to the then Prime Minister wrote an article in a prominent New Delhi daily It extolled the advantages of a new anti pregnancy vaccine which could make both male and female sterile for the whole life By the time the children reached their home the contents of this article in its distorted form had percolated into the middle class homes It was easy to associate the new vaccine with the tell tale mark on the little ones feet Next day attendance fell significantly in the lesser schools People had a lurking doubt in their minds that the poor one s children were being duped into sterilisation while the affluent ones were left untouched After all the health vans did not go to the Public Schools By the evening of the second day various rumors began to spread like wild fire

Who originated the rumor nobody knows But the parents were simply asked to question the hapless vaccinator who was boiling his instruments over a spirit lamp as to what he was doing His innocent reply was Sterilisation

To the people who had heard ominous stories on sterilisation this was quite believable And this was the last straw In many schools parents stormed the school rooms and took away their children Most of the schools were a deserted look

Nobody bothered to clear the confusion Some high health official was put on the Television without prop r briefing. He announced that none had instructed vaccination to be made on the feet People had their doubts confirmed The children did not return to the schools

On the fifth day a Delhi Administration official appeared on the Television His tone was menacing He told the

of DIR were misused to serve unscrupulous politicians how and in what manner High Court judgments specifically on censorship and advice of the Law Ministry were disregarded how independent news agencies were merged to make *Samachar* so that there was effective control over news dis semination how editors of newspapers and journalists were harassed, arrested and their accreditations cancelled and how foreign reporters were externed

Mrs Gandhi s Government decided to impose censorship from the day Emergency was declared News *in all forms*, whether through newspapers AIR or Television were subject to the scissors of the censor unfavourable news and views which sounded like dissent to the Government were sup pressed The Government was prepared to go to any length to stifle dissents

AIR was controlled in an unholly manner by sending P N Behl a Joint Secretary in the Prime Minister's Secretariat to its News Services Division to censor news Behl functioned as an unauthorised censor in AIR till such time as Shukla took over as the new Information and Broadcasting Minister and the regular censorship machinery started functioning

I K Gujral who was Information and Broadcasting Minister at the time of the declaration of the Emergency was immediately removed as he had annoyed Sanjay who ques tioned him on the handling of the news regarding the declara

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viewers that the rumors were being spread by anti social elements He threatened everybody including the children with dire consequences if they did not attend school the next day This too, only helped to confirm the worst fears of the people,

Attendance in most of the schools fell by 100%

The Government was compelled to abandon the programme and announced it over the Radio and Television

If the press were free and if matters could have been explained to the people as was done in normal times the Government would not have been compelled to abandon this programme which indeed was a beneficial one

tion of Emergency and the coverage given to the speeches of Mrs Gandhi After an altercation between Gujral and Sanjay the former had to tell Sanjay to behave himself Gujral did not like the overbearing manner of Sanjay but he had to pay for his recalcitrancy

The vacancy was filled up by Shukla a more amendable and effervescent man Immediately after assuming office Shukla contacted the editors of all newspapers in Delhi and told them that in future 'no confrontation would be permitted between the press and the Government which meant the end of dissent and protest He also ordered his officials to behave themselves and see that the interest of the Government is well looked after

In fact the attitude of Mrs Gandhi and Shukla towards media was illustrated in their speeches at the conference of the Station Directors of All India Radio held on September 9 1975 There Mrs Gandhi had talked about credibility' of the radio She said this question had arisen even before Emergency Quite honestly I do not know what it means Whose credibility? The newspapers who have day in and day out filled their pages with falsehood! Now if you say that the people keep on believing these things well all I can say is they are free to do so but it is not going to help them much in getting information or having any knowledge of what is happening in this country In the same meeting Shukla said amongst truth we pick and choose we emphasise such things which we consider in our judgment best for helping and abetting the developmental process of the country in the direction that we have set for it and certain other set of facts which may not be helpful in that direction we ignore those facts Credibility does not consist in balancing facts

Three days later S M H Burney Secretary for Information and Broadcasting held a meeting to discuss measures to improve television programmes in the light of Mrs Gandhi s address to the Station Directors of AIR and Television Burney drew the attention of the officials to Mrs Gandhi s observation relating to AIR and Television being under the Government and said it should now be clear to everyone concerned that

being Government departments there is no question of AIR or Television adopting an attitude of neutrality or to be con cerned about their credibility

In Mrs Gandhi s opinion censorship was imposed because we are facing an entirely new situation similar to the Chilean one We believe in the freedom of the press But a section of the press has been behaving irresponsibily Again ' the decision to regulate newspapers was an unpalatable one But the recklessness with which some of them were publishing malicious and wholly fabricated reports had left the government with little option In a speech in the Rajya Sabha on July 22 1975 justifying the declaration of Emergency Mrs Gandhi said once there were no newspapers there was no agitation The agitation was in the pages of the newspapers If you ask why there was censorship on the press this is the reason why If nothing else has proved it this has proved it I have no doubt that had the newspapers come out and started inciting people as they did before and as unfortunately they have done in times of communal troubles this would have been a terrible situation Our task was to avoid such a situation and we did avoid it

If this was the view held by the Prime Minister of a demo cratic country that system can never be democratic The DIR had helped her in achieving her dictatorship Wherever these rules were not sufficient she supplemented them with guidelines and other means of unlawful acts by issuing ordinances and so on Pre censorship was enforced under Rule 48 of DIR on June 26 1975 and this rule was elaborated in a statutory order on the same date Rule 48 envisages censorship for the purposes of (i) securing the defence of India (ii) civil defence (iii) public safety, (iv) maintenance of public order and (v) efficient conduct of military operations Between June 26 and August 12 1975 a series of statutory orders were issued to extend the scope of the press censorship which resulted in the concentration of power in the Central Government and the Chief Censor Subsequently the scope of Rule 48 was enhanced to include items like President s Rule in States and Family Planning Activities involving expenditure of crores of rupees of public money became alien to the press thereby making every thing

shady and suspicious Statutory support was given to this non sense contravening the advice of the Law Ministry which noted that 'It is necessary to examine whether the subject would be germane (to Rule 48 of DIR) They also advised that the prohibition of publication of items relating to family planning *would not be permissible This was disregarded by the Inform* ation and Broadcasting Secretary who ordered ' we must *continue handling all such family planning news or stories* or periodicals etc regardless of the advice given by the Ministry of Law It is not clear why then they had troubled themselves by referring the case to the Law Ministry

In violation of the statutory orders the Chief Censor issued Censorship Guidelines on July 13 1975 They enumerated the scope of censorship the scheme and the method of enforcement rather in an arbitrary manner Armed with a very powerful machinery of censorship the Government behaved in a high handed manner They initiated a series of vindictive actions in the name of censorship Many publishers and journalists who were courageous enough to express dissent were harassed and a large number of them were forced to suspend publication Some went to High Courts and obtained stay orders The Chief Censor D Penha and K N Prasad at that time Officer on Special Duty in the Ministry of Information and Broadcasting were instrumental in getting the guidelines approved by Shukla One of these guidelines advised censoring officials that ' nothing should be permitted to be printed which is likely to convey the impression of a protest or disapproval of Governmental measures The practice of leaving the editorial column either blank or filling it with quotations should not be permit ted

These guidelines were beyond the scope of the DISIR and declared void by a Division Bench consisting of Justices D P Madon and M H Kanlaof the Bombay High Court Their Lordships ordered that the guidelines issued under clause (3) of the Censorship Orders did not have statutory authority The court also advised the Censor to follow certain principles with regard to censorship The press is not only an instrument of disseminating the information but it is also a powerful medium of moulding public opinion by propaganda Tuer

democracy can only thrive in a free clearing house of compelling ideologies and philosophies, political, economic and social and in this the press has an important role to play The day the clearing house closes down would toll the death knell of democracy It is not the function of the Censor acting under the Censorship Order to make all newspapers and periodicals trim their sails to one wind or to toe along in single file or to speak in chorus with one voice It is not for him to exercise his statutory powers to force public opinion into a single mould or to turn the press to an instrument of brain washing the public Under the Censorship Order the Censor is appointed the nurse maid of democracy and not its grave-digger Dissent from the opinions and views held by the majority and criticisms and disapproval of measures initiated by a party in power make for a healthy political climate and it is not for the Censor to inject into this the lifelessness of forced conformity

In another event the editor of Bhumiputra, a Gujarati journal of Baroda approached the Court against the Chief Censor and a Division Bench of the Gujarat High Court in its decision of March 22 1976 struck down sub sections (c) (d) and (e) of Section 1 of the Government of India Censorship Order dated June 26 1975, as *ultra vires* of rule 48 of the Defence of India Rules and declared them void Justice J B Mehta and S G Sheth also noted that After the Central Government made Rule 48 steps taken either by the Central Government or the Chief Censor one after the other have taken strides after strides beyond the scope of Rule 48 The Chief Censor s guidelines in our opinion are thoroughly useless and worthless because the nation which rises like an impregnable citadal above every individual or groups of individuals cannot be apron stringed to the Chief Censor nor can its political education and soverignty be moulded into the cast of the Chief Censor The Judges further commented that public criticism which is the lifeline of democracy is sought to be cut by these guidelines To permit such guidelines to operate even for a moment more will be destructive to our cherished democratic social order The Chief Censor has been more loyal to the King than the King himself and has outwitted the people in their attempt to main tain even the basic form of democracy in this country The

Government counsel in this case desired that the judgement be censored On this the court issued a separate order We have held that under the Rule 48 the Censor has no jurisdiction to censor court proceedings and that court proceedings do not *and cannot incite public safety* Under our Constitution the court interprets the law and lays it down The law we have laid down must hold good at least till the Supreme Court takes a different view The Censor cannot sit in judgement upon *decision and decide which law should be allowed to be made* known to the people and which not It is impossible for us to imagine that court proceedings or a judgement of a court can ever amount to a prejudicial report within the meaning of that expression as interpreted by us The Censor is not above the court It is necessary for him to realise that he is subject to the jurisdiction of the court What is held ultra vires cannot be allowed to operate intra vires under the veil of secrecy We cannot permit the liberty of the people to be under the weight of censorship We ar not inclined to do anything by which depri vation of liberty can be continued even for a moment more We therefore grant Mr Daru s (Couns l for Bhoomiputra) request and direct respondents 1 (the Chief Censor) and 5 (the Union of India) their servants agents and employees to desist and forbear from Censoring or withholding permission to print or publish this judgement or any part thereof

The Judgement was specific and absolute It was however *disregarded The judgement was censored Those who had pub* lished summaries of the judgement had to suffer The judges were punitively transferred and the transfers kept secret One of the judges challenged his transfer by a petition That news was also censored Shukla wanted to overcome this unhappy situation created by the courts He had consulted the Law Ministry seeking their advice on the censorship of the proceed ings and judgement of the courts Law Ministry advised that great caution should be exercised in censoring the judgement of a court The Law secretary observed that it would not be advisable to defy the orders of the court However inspite of the advice of the Ministry of Law reports on court proceedings were censored The statutory provisions stood abrogated the *advice of the Law Ministry had no binding on the activities of*

the censorship machinery for which Sanjay was the source of inspiration

Major part of the censorship orders was given orally These instructions were obviouly not in conformity with the legal provisions Censors themselves were aware of this fact About Family Planning the Chief Censor advised his deputies in States that although this is not covered by SO 275 (E) (the Censorship order) and as such although State Censors cannot give the aforesaid advice in writing they should do so orally A telex communication sent by the Chief Censor to State Censors indicates that since all instructions on censorship are secret and meant only for us these are not supposed to be communicated You are expected to advise the editors orally about the course of action and not communicate my instructions The log book maintained in the Chief Censor s office meant for recording such oral instructions illustrates the nature of censorship that existed during the Emergency The following examples are illustrative—

(1) No story is to be cleared pertaining to Parliament business or Supreme Court appeal filed by Prime Minister No reference to the case (12 7 1975)

(2) As per instructions only the date fixed for hearing of Prime Minister s appeal is to be given Lawyer s names may be given no names of judges are to be given (14-7 1975)

(3) Reports on proceedings in the Verghese v/s Birla case should be reduced to the minimum and should be very brief The arguments need not be mentioned If they are allowed should not be more than a para or two (22 7 1975)

(4) There has been a bundh in Ahmedabad organized by the ruling party (Janata Front) If the agencies and the correspondents copies say that the bundh was a flop it may be allowed provided the description of the bundh does not go against Censor Instructions

(5) Any statement made by the Chief Minister Gujarat criticizing any action taken by the Centre should be spiked but if his statement is innocuous it may be allowed In case of any doubt please ring up Additional Chief Censor Shri U C Tiwari (26 7-1975)

(6) No reports comments (including editorial) articles statements or news on bonus to employees shall be allowed until further instructions (4 9 75)

(7) (i) No adverse criticism of the ordinance on bonus by Trade Unions in Public Sector Organizations is to be allowed

(ii) editorial comments on bonus are permissible

(iii) these comments should be within the official explanation on the bonus issue and should not support an agitational approach and (iv) these comments are subject to pre censorship

(a) Teleprinter message to all the State Censors has been sent on the above lines with the following additions —

(b) words like shock 'deplore or 'ill advice should be altered to 'disappointed or surprised (26 9 1975)

(8) ' Please ensure that Allahabad High Court judgement today upholding MISA detenues right to move High Court under article 226 is not published in the State Instruct your Censor in Allahabad to kill story (30 10 1975)

(9) As required the official version of Jaya Prakash Narains release with instructions not to give prominence to the news and not to use photographs was communicated to agencies and local papers (13 11 1975)

(10) Any message on Jaya Prakash should be cleared from Shri Prasad (phone residence 279377 office 384597) CC and JCC should be first consulted before reference

(11) KMLP (Gujarat) has been dissolved There is likelihood of some members issuing statements withdrawing support to the Janata Front Government in Gujarat Such statements should be allowed Statements pledging support to the Janata Front Government by some of the members should be spiked (Instruction CC) (11 2 1976)

(12) All the statements made by Janata Front Leaders alleging that Centre or Congress was out to topple their Ministry or that the Janata Front would take to agitation etc should not be allowed The statement of KMLP leaders

dissolving their party in support of the Janata Front are also not to be allowed Anything which is unhelpful to the present plan of the Centre should be killed (15 2 1976)

(13) Political overtones in stories emanating from Paunar (Vinoba s Ashram) should be disallowed ' (Instruction from OSD) (2 3 1976)

(14) 'As desired by JCC (P) all the local dailies and news agencies were informed that Shri Tulmohan Ram s case should be sent to us for pre censhorship All references to L N Mishra, Chattopadhyaya and N K Singh are to be deleted (5 3 1976)

(15) 'I have requested Samacher (Shri Lazarus) not to circulate any story comment etc regarding the reported factionalism in the Kerala Youth Congress in connection with the visit of Smt Ambika Soni, Youth Congress President to Trivandrum on the 17 April, 1976 (19 4 1976)

(16) "About mid day today, the office of Veekshanam daily (Cochin) was searched by the police for reasons not known. This daily newspaper is run by the Kerala Pradesh Congress Committee. Some of the newspapers which referred a story on this to me were advised not to carry anything for the time being "

N B This development assumes more importance in view of the widening rift within the Congress Party in the State The section which is rallying behind the PCC President who publishes the daily is very sore about the police search The police portfolio is held by a Congress Minister, Shri Karunakaran who is identified with the rival section in the party

This incident is likely to precip tate further (22 4 1976)

(17) State Censors have been advised not to permit any comments or reference about the transfer of High Court Judges (1 6 1976)

The following are examples illustrating the manner in which the Censor s office was used for slanting news in favour of Mrs Gandhi and her Jacks

(1) ' CC desires that some one should be sent immediately to Shri Barua's residence (23 Tuglak Road) to get from

Shri Pitamber his PA a copy of the statement about asking Congress (0) Memb rs believing in the Congress ideology to join the Congress

After the receipt of the statement it should be given to PTI and UNI with the request that it should be given full coverage (11 10 1975)

(2) Though there is no pre censorship on the judgement of the Supreme Court it is essential to ensure that the five separate judgements are correctly reported in proper perspective Arguments should not be given out of context Similarly the headlines and the news should clearly indicate (i) that the appeal of the Prime Minister has been upheld (ii) that the cross appeal by Raj Narain has been dismissed and (iii) that the order of disqualification of the Prime Minister has also b en set aside and her election to the Lok Sabha upheld Particular care should be taken to alert the language papers informally (Chief Censor s message to State Censors dated 7 11 1975)

(3) I O Shri C S Savoor said that the Press has been told unofficially that the news agencies owe Rs 70 lakhs to the Government (paid as loans) and owe Rs 15 lakhs to Post and Telegraph Government is taking steps to recover the amount Post and Telegraph also has taken some steps Mr Savoor said if any news agency or newspaper files a story on the above lines it should be allowed for publication and should not be cut

(4) I had today earlier sent to you a message regarding Shri Jaya Prakash s letter to the Prime Minister about Prime Minister s contribution for purchase of dialysis machine I had stated that this latter should not repeat not be published in the papers of your area Samachar is likely to issue a story giving Jaya Prakash s letter along with a statement of a Congress leader There is no restric tion on the Samachar story and the newspapers should be allowed to publish Samachar story (16 6 76)

Subsequently OSD rang up to say that the statement of the Congress leader (General Secretary of AICC) is not likely to come today I have informed Shri

Chandran of Samachar not to do a story until the statement is issued and clearance obtained from Shri Sharada Prasad (Remarks of Shri U C Tiwari dated 16 6 1976)

(6) Shri Padmanabham (Madras) rang up to say that a story about the resignation of Thiru Nedumaran one of the General Secretaries of TNCC has appeared in Makkal Kural and Independent Tamil daily This has been killed locally and wanted it to be killed at Delhi also However instructions were left with the Samachar that it should not be circulated (23 4 1976)

(6) Regarding Mr Mushtak Ahmed s statement on Turkman Gate Shri Navin Chawla was contacted He said that the Lt Governor was interested in publishing the statement as widely as possible and the reference to the Imam in the statement was deliberately made (24 4 76)

(7) Mathrubhoomi and Indian Express rang up wanting to know if the story on the ' Kerala Congress faction leaders meeting Prime Minister should be referred to us Since Kerala Congress is a separate party I told him no need arose only advise them to make it clear it had nothing to do with the Indian National Congress later CC rang up the story was read out to him and as suggested by him Samachar was asked to confine itself to talk with the Prime Minister only and leave out discussion with the Ministry of Home Affairs etc They agreed (8 1 1977)

(8) ' As desired by CC Samachar (Shri Kasbekar) was informed not to use item regarding M P Congress leaders meeting Prime Minister or any other leader in *Delhi* He also requested to inform Bhopal correspondent not to use such story (10 1 1977)

The censorship machinery was used so rigorously against certain newspapers and magazines they had no option but to suspend publication The cases of Opinion *Sadhana*, Mainstream 'Himmat Seminar Tughlak and Bhoomiputra are some of these which had to bear the brunt of the censorship

The Opinion carried an article which was supposed to be a part of written statement filed by N A Palkiwala *in the* Supreme Court regarding the life long immunity proposed to

be granted to the Prime Minister and the President Debendra Satpathy M P had sent a copy of this particular issue of Opinion to Shukla and on the basis of this instructions were issued by the Chief Censor to take action for the forfeiture of the press The publication of this article was objected to by the Censor because in his opinion this had a bearing on the office of the President and the Prime Minister Gorwala Editor of Opinion' was asked to produce a certified copy of the Court proceedings He declined to do so This was enough for the State Censor at Bombay to recommend it would appear that denial of the present press for printing his publication would be a fit response Opinion had the guts to bring out an issue in February 1977 wholly devoted to the judgment of the Bombay High Court regarding press censorship The Chief Censor could not wait further for ordering the forfeiture of the press Gorwala could overcome this difficulty somehow or the other

It was only in May 1976 'the policeman turned media man K N Prasad came across this recalcitrant journalist He was indeed surprised that we should have tolerated this journal (Opinion) for all these months It shall have been placed under pre censorship in addition to the other steps that have been taken to deal with the specific offences It is our failure to deal with such journals that bring discredit to the organization of the Censor Consequently Gorwala was asked to deposit a security of Rs 25 000 Gorwala went to the High Court in writ and obtained a stay order This did not prevent the Censor from harassing this journal The Editor was also fined Rs 100 after being prosecuted under the Registration of Books Act Utimately Opinion' was not allowed to print in any press and thus from July 2, 1976, the journal was cyclostyled and mailed to the subscribers Gorwala had to discontinue this also when at the instance of the Chief Censor the Post Master Gene al, Bombay, refused him concessional mailing facility

Sadhana , the magazine published by S M Joshi used to frequent anti Emergency articles Between June 1975 and October 1975 eleven issues of this weekly were forfeited and the publisher was compelled to deposit a security of Rs 1000

which was later forfeited He was ordered to close this magazine This action was taken after the case was duly processed in the Ministry of Home Affairs in consultation with the Law Ministry Even though the Law Ministry initially advised against imposing a closure order on the journal it subsequently had to 're examine the case and to give an opposite 'opinion

Mainstream edited by the veteran journalist Nikhil Chakravarthy could pull on till December 1976, in spite of his satirical editorials and articles on Sanjay and his five point programmes Mainstrem was probably the only magazine which survived Sanjay s wrath for such a long period. The first issue after the declaration of Emergency carried quotations from Tagore This was passed by the Censor but Shukla who was quick enough to understand the intention had warned the editor orally that such quotations from Tagore or for that matter even from Nehru or Gandhi would not be permitted The editor continued to get informal warnings for his editorials A formal warning however, was given to him in February 1976 over two articles Chandigarh to Chansala and Musings on Tamil Nadu carried in the January 3rd and February 6th 1976 issues respectively Even though the Chief censor conceded that these articles did not violate the guidelines the criticism of the Congress session at Chandigarh and the reference to high breed political spring chicken hinting at Sanjay had annoyed Shukla Editor was also informed that a box column in the February seventh issue with the caption 'Good bye Feroze had hurt the sentiment of Mrs Gandhi and warned that such writing would be taken serious note of in future

The May 29 1976 issue of 'Mainstream with its editorial Do we need Nehru today? was openly attacked by Mrs Gandhi in the AICC Session at Gauhati The next issue was more offending because of its editorial AICC Score Boards Twenty Plus Four Now Shukla had no option but to serve a formal warning Shukla however told Nikhil Chakravarthy on telephone that criticism of Sanjay would be sternly dealt with in future but was naive enough to add that he was under great pressure The Censor took serious objection to the editorial Gauhati End of the Beginning in the November

1976 issue of the Mainstream This did not violate the censorship guidelines However Mrs Gandhi was so annoyed with the editorial that pre censorship was imposed on Mainstream without specifying objection to any article Shukla took strong exception to the support given to any political figure in West Bengal opposing Sanjay or criticism of any one supporting him After the imposition of the pre censorship the Delhi Administration had threatened the press where Mainstream' was printed They were told that very soon the press would be sealed under MISA Under such circumstances Mainstream ceased publication The Directo rate of Advertising and Visual Publicity (DAVP) had earlier refused to release advertisements to Mainstream to pressurise it

Himmat published by Raj Mohan Gandhi was another weekly which relentlessly fought censorship The weekly was put under pre-censorship orders The Censors were very sensitive over the weekly s tactful methods to hoodwink them The Deputy Principal Information Officer Bombay complained to the Chief Censor that Raj Mohan Gandhi was careful to avoid violation in the strictest sense The writing in the Himmat h ive to be checked and I think total censorship is the only solution In August 1975 Himmat pointed out that Mrs Gandhi s statement in Colombo that censorship in the press has been relaxed was wrong and cited numerous instances of censorship This was noted by the Censors very seriously K.N Prasad was very much annoyed that he asked the Chief Censor I do not know how this journal (has) not received attention of the State Censor It is a pity that such journals should have been allowed to violate censorship orders with immunity He is not to be blamed since that was the police method of dealing with Had it not been for the announce ment of the elections Himmat would have lost its *himmat*

Seminar of Romesh Thapar is another magazine that deci ded to discontinue publication rather than submit to pre censor ship The July 1976 issue was on The Relevance of Emergency The Chief Censor himself had observed that ' the articles are undoubtedly loaded and technically fall within the scope of the censorship order There are two ways of looking at this

issue The fact that a journal has written in the vein is a reflection of the liberalisation of censorship and to that extent enhances the Government s credibility But there is a danger that others may take the cue' Shukla after giving serious thought to the views expressed by the Chief Censor had ordered the imposition of pre censorship on Seminar That was the end of it all Thapar stopped publication of his magazine

Bhoomiputra the Gujarati daily can easily be singled out for its sufferings under pressure from the censors Shukla took special interest in taking action against this newspaper He ordered the forfeiture of the security deposit forfeiture of the press and prosecution of the Editor under DISIR All this punishment was imposed on the paper when it went on a writ petition to the Gujarat High Court and won its case It also had the privilege of obtaining a special order from the Court for the publication of the court s judgement without censorship The Chief Censor however advised the State Censor to take necessary action to prevent the publication of the judgement in the Bhoomiputra case delivered by the Gujarat High Court

The Law Ministry had earlier advised against the action proposed against Bhoomiputra Neither Shukla nor the Chief Censor listened to the advice of the Law Ministry It was also revealed that during his discussions with officials in the Law Ministry the Chief Censor had explored the possibility of establishing the possible bias on the part of one of the judges Even though this possibility was again considered by the additional Solicitor General the matter was not pursued further because of P C Gokhale the Law Secretary who advised that such an allegation without an affidavit to that effect would not hold water

Editor of the Madras Fortnighly Tughlaq iconoclast and satirist Cho Ramaswamy had his magazine interspersed with cleverly done satire and serious politics to evade the foxy Censors He was successful on a number of occasions The July 15 1975 issue of Tughlaq published a satirical article on the Prime Minister and the proclamation of the Emergency Vyalar Ravi Memb r of Parliament had pointed out the personal attack contained in this article, when the Information Advisor to the

Prime Minister K N Prasad observed I hope something has been done to defuse Cho Shukla ordered precensorship and the Journal was asked to submit to precensorship on July 25 1975 Cho suspended the publication of his magazine

The Government machinery moved swiftly when they wanted to take action against individual journalists Those journalists who were not toeing the official lines were dealt with in a very uncivilised way Many were arrested and detained under MISA and DISIR and many others lost their accreditation Correspondents of foreign magazines and papers had to answer for what they did not report

Mrs Gandhi s Government contemplated action against journalists immediately after the introduction of censorship measures in the country As early as June 28 1975 the I & B Ministry under specific orders from Shukla had conveyed instructions to the State Chief Ministers through the Home Ministry requesting that if it was considered necessary to arrest editors of newspaper or journalists they may before doing so consult the Minister of Information and Broadcasting The Minister wanted this instruction to be kept top secret At this time Shukla had the idea of arresting and detaining journalists Again on July 11 1975 Shukla clarified his instructions that action against journalists for the common law offences need not be refered by State Governments to Minister for Information and Broadcasting Any action proposed to be taken against a journalist editor free lance correspondent etc *under the DIR* for any *infringement of theirs while* discharging their duties and responsibilities will require clearance of the Minister

Based on these instructions a total of 253 journalists were detained in the country under MISA DIR and various other laws Another high handed way of dealing with journalists was the cancellation of their accreditation This amounts to negation of the press man s right to carry on his profession Without accreditation a journalist will be a soldier unarmed He will have no access to press conferences and other sources of information This measure was therefore, undoubtedly the diabolical *act of an unlawful government*

There was an Accreditation Committee which granted accreditations to journalists Accreditation can only be cancelled in consultation with this committee and can only be done for professional misconduct or violation of secrecy or of the conditions on which information is supplied In August September 1975 at the instance of the Minister for Information and Broadcasting the accreditations of R Ramanujan of *Newsweek* (USA) and S B Sinha of *Der Spiegal* (West Germany) were cancelled When the BBC closed down their operations in India in July 1975, the accreditation of their representative in India Prakash Mirchandani was cancelled This was made without reference to the Accreditation Committee These journalists did not violate any of the rules of accreditation but the only reason for this arbitrary action was that these journalists were connected with news establishments which were against the Emergency When the Accreditation Committee met on February 14 1976 it endorsed the actions of the Principal Information Officer Dr Baji as a result of which thirty three pressmen, (twenty five correspondents two cartoonists and six cameramen) lost their accreditations These decisions were shown to have been taken under Rule 12 which envisages identification of reason for cancellation of accreditation However there is no record to suggest that the cancellations were made after identifying reasons Accreditation of some of them were cancelled on the ground of their alleged connection with the RSS eventhough it was not sanctioned by the Accreditation Rules Senior journalists like B P Agarwal General Manager of the Hindustan Samachar G G Mirchandani General Manager of United News of India Inderjit of Indian News and Feature Alliance Chanderkant F Shah of Gujarat Samachar Pran Sabharwal of Baltimore Sun (USA) and well known cartoonists Rajinder Puri and Ranganath all lost their accreditation Accreditation of R C Pradhan of Tharun Bharat was withdrawn for his ties with Sadhana This was done under the instructions of Shukla Again in March 1976 at the instance of Shukla the accreditation of V P Ramachandran Deputy General Manager of United News of India was cancelled There is nothing to justify this action except the annoyance of Shukla In all about 51 foreign

correspondents were expelled from this country The journalists who lost their accreditation filed many representations which were not even considered by the authorities

Those who lost their accreditation had to face another injustice when they were asked to vacate the Government quarters allotted to them The Government had also taken a decision to immediately withdraw the housing facility enjoyed by the journalists for the last three decades This was an expression of government's displeasure with the section of the press which was not subserviant

Foreign correspondents were treated shabbily during Emergency They were compelled to sign a bond promising obedience to censorship orders Those who did not obey were deported This action was taken under instructions from Indira Gandhi Shukla laid down censorship regulations for foreign correspondents at a meeting held on July 14 1975 According to these if a foreign correspondent is found to have despatched an objectionable item or a voice-cast the correspondent concerned would be warned and if the violation is repeated it would entail deportation On July 19 Shukla directed that the correspondent of a foreign paper stationed in India would be deemed to be responsible for any objectionable report on India published by the paper and should be deported He had also instructed the Chief Censor to ensure that those deported were not allowed to come back as journalists or otherwise by air land or sea

Apart from this nany journalists were disallowed visas to visit this country and to go abroad

The period of Emergency saw the gradual disappearance of the difference between the Government and the ruling party. The I & B Ministry probably carried out the programme of the AICC The Ministry s files contained cyclostyled copies of the letters of AICC (Campaign Committee) addressed to all presidents of State and District level Congress Committees and the leaders of the Congress Legislature Party in which the details of the programme for celebrating the Dynamic Decade are given The party was however given only secondary *importance the pride of place being allotted to* the charismatic

leadership of Indira Gandhi A deliberate attempt was made to build up the image of Mrs Gandhi and her son obviously with the intention of institutionalising the 'Family Rule' The I & B Ministry was put to use for this purpose and Mrs Gandhi was vociferously hailed the 'supreme and beloved leader of the country As early as in July 1975 the Principal Information Officer, Baji was directed by Shukla to contact editors of various newspapers in Delhi to ensure prominent publicity both newswise and photowise' to the statements and activities of he Prime Minister Shukla however cautioned Baji that his directions should not go on record Mrs Gandhi also wanted to convey the impression that she was the undisputed leader of the Congress and for this purpose the media were directed to doctor news in such a manner as to give the impression that all was well in her party

The image of Sanjay was also to be built up as an up and coming leader in his own right and as a bye product to build up the Youth Congress'

Mass media were misused enormously in this direction In December 1975 a massive campaign was launched to build up Mrs Gandhi's image At a meeting organised by the police-media man K N Prasad and attended by the Information Advisor to the Prime Minister and other media heads it was decided to start a compaign to project in a systematic and concentrated manner that while the nation was on the march since independence the last one decade (1966 75) has been a period of tremendous progress The campaign was titled A decade of Achievement' Another campaign started a little later was acclaiming as a year of fulfilment'—a year under the Emergency

The Directorate of Field Publicity (DFP) was asked to extensively screen a number of films on the Prime Minister which were available and also to select more films for the campaign in semi-urban areas The Films Division was asked to make films on Decade of Achievement' A film produced by the Films Division was not approved by K N Prasad and Sharada Prasad This film was therefore recast to satisfy them The Films D v sion also shot another film A day with the Prime Minister'

This documentary did not satisfy Mrs Gandhi She desired certain changes for the end was tame and the commentary lacked proper focus' Before changes were made, Mrs Gandhi wanted the film be shown to Sanjay for his comments The film was eventually re shot under the supervision of K N Prasad The total cost of production of this film was ten lakhs Personnel of the Films Division who covered Mrs Gandhi s tour were instructed to focus attention on positive response and reaction shown by the people their spontaneous joy feelings and enthusiasm and capture them through the camera eye'

The DG AIR was asked to prepare a tape containing extracts from important broadcasts of Mrs Gandhi in the last ten years The DFP was to play up these tapes in rural and semi urban areas The AIR was also asked to collect 2 000 quotations from the speeches of Mrs Gandhi and to broadcast daily five to ten of these quotations by all radio stations as a message to the nation but without bringing in the name of the Prime Minister She was given wide coverage in the newsreels of AIR and Doordarshan Samachar programmes during the Emergency The extracts utilised for these programmes were mostly from her utterances at the familiar rallies outside her house

The Publications Division under the I & B Ministry was directed to boost the sale of books on Mrs Gandhi and to publish informative and interesting sketches with her photographs

All media units under the I & B ministry were asked to organise special programmes on January 24 1976 the day Mrs Gandhi completed a decade as Prime Minister

The Minister of Education was requested to advise all primary and Secondary Schools to adopt three songs which were selected by the I & B Ministry One of these songs was to be sung in chorus at the morning assembly before the commencement of the classes Mrs Gandhi s government was thus moving towards a type of propaganda aiming at a personality cult Gradually children were to sing

in praise of Mrs Gandhi Mrs Gandhi would have been the inspiration to a doctor to successfully complete a surgery, to the nuclear physicists to explode an atom device, and so on! These were reminiscent of Hitler and his Goebbels Perhaps she had nursed the idea of making the people chant 'Long Live the Queen again The people of this country escaped the last plunge, thanks to her 'intelligence' machinery

Mrs Gandhi was not content with building up of her own image She wanted Sanjay to be a 'co pilot' ready to occupy her seat at short notice He was entrusted with certain minor 'portfolios Delhi Administration for example A veteran freedom fighter paid a courtesy call at No 1, Safdarjung Road In the course of his talks with Mrs Gandhi he had mentioned about the delay in getting h s p-nsion granted Mrs Gandhi enthusiastically remark-d that 'Sanjay is looking after such matters these days The old man was badly hurt He said Daughter, my association has always been with your father I have not come to seek any favour from you it is neither necessary for me to s-ek one from the grand son of Nehru Mrs Gandhi did not say a word in reply Later events proved that such snubs did not prevent her from giving Sanjay the lion s share

Mrs Gandhi s insistance almost gave her son a free hand in the affairs of the Delhi Administration It was a training ground for him to take up high-r responsibilities But before taking up such responsibilities he was to becom- a leader in his own right A massive propaganda similar to the one launched for the mother was launched to build up the image of the son too AIR Doordarshan Films Division and various other units of the media machiney rallied round Sanjay to hail him and his activities People of this country could hear even Sanjay s sneeze Of course they had to pay for it They paid for the maintenance of media machinery in this country Those who did not read the committed newspapers could hear the Sanjay chants over their radios The urbanites had the privilege to see his balding head and silly grin on the Television

Sanjay blossomed on the 'national scene immediately

after Kamagatamaru (Chandigarh) session of the AICC in December 1975 Soon after AIR Doordarshan and the 'Establishment Press gave wide publicity to his statements speeches and visits to various parts of the country Television spent Rupees Eight hundred and thirty three thousand on publicising Sanjay s Five point Programme Over 265 items were telecast on Sanjay during a period of one year from January 1 1976 to January 18 1977 AIR was directed to describe Sanjay as Youth Leader but subsequently this qualification was dropped because by then he had become a national leader About 192 news items on him were broadcast over AIR Delhi alone from January 1 1976 to January 18 1977

Shukla sent a letter to the DG AIR instructing him to cover Sanjay s Calcutta visit Sanjay Gandhi will be visiting Calcutta on February 20 21 1976 It has been decided that fullest publicity should be given to his programme The video tapes of the day's programme of television should be shown at Calcutta and should also be flown by afternoon flight to Delhi Arrangements should also be made to show it on other Television Stations

This was only a beginning Television Stations in various parts of the country had a busy schedule because Sanjay had a very extensive tour programme

In AIR news bulletins Sanjay was given great prominence as a national leader The news items were broadcast to show that when Sanjay visited thé States the Chief Ministers and other Congress leaders were at the airports to receive the important national leader Reports of big welcome affectionate welcome ' and the like were the order of the day An AIR news item of October 29 1976 was the Maharashtra Chief Minister S B Chavan his cabinet colleagues many Congress and Youth Congress leaders received Sanjay Gandhi at the airport He was profusely garlanded on behalf of several organisations Among the garlands one was of currency notes Later during a raid by Income Tax authorities the garland was found to be in the possession of a semi star Another item proclaimed his programme to inagurate bridges and hotels at

Lucknow His discussions with officials in Agra to beautify and clean the historic city was also broadcast in the leading news bulletin on May 2 1976 An interesting item broadcast on January 20 1977 was about an opinion poll conducted by The Illustrated Weekly of India The poll was to identify the Indian of the year 1976 Who could he be but Sanjay the prodigy with the Nehru pedigree ? Giving details about the opinion poll AIR elaborated that it praised Sanjay s courage fear lessness and dynamism as the qualities which enthused most of the readers of the weekly

The Films Division gave prominence to Sanjay in a very different way They took up production of films depicting the activities of the Delhi Administration Even though these films had only very limited scope they had an important purpose building up Sanjay The production of these films were taken up at the instance of Navin Chawla Secretary to the Lt Governor and a good friend of the offspring The Secretary in the I & B Ministry directed Films Division to project the image of Sanjay in these films A number of films were produced for this purpose Trees Time of Peace Time of Learning, Roots and Road to Narela were some The real story for all these films was nothing but building up Sanjay This is evident in the Trees It goes like this a time for youth a time for action time to think about the future and under the dynamic leadership of the Youth Congress the people have arisen to face the challenge' In the Road to Narela —they (people) felt harassed without a direct road to Narela ! We did not know what to do We went to Choudhuri Hira Singh who took us to Sanjay Gandhi He asked what happened to your hands ? You young people of the village could yourself make this five kilometer road and complete it by October 2 the birthday of Mahatma Gandhi'

Navin Chawla was entrusted with the script writing for the film Roots' The rough cuts of the film was shown to him He suggested certain additions and changes The records show that additional shooting was done and changes made and the revised rough cuts was again shown to Chawla on February 2, 1977 and his approval obtained' There was a film shot at the

inagural function of the zoo train in New Delhi This "ambitious project" had drawn adverse opinion from various quarters and ultimately the rails had to be dismantled The film therefore could not see light After the new Government took over K K Kapil Joint Chief Producer Films Division New Delhi wrote to Mushir Ahmed Chief Producer in the Films Division the treatment given in the making of the film is not in accordance with the present policy of the Government It shows Mohamed Shafi Qureshi and Sanjay Gandhi inaugurating the zoo train in Delhi ' This explains the attitude of the media men during those days

It is apparent that Chawla had an unusual influence over the I & B Ministry On his request the Ministry had taken a decision to preserve the film coverage of Sanjay His films were to be kept in tact in the library and indexed properly so that on a future date if it was required it could be easily made available It is however a mystery why the Information and Broadcasting Secretary ordered the films and the files dealing with them were to be treated top secret

Again at the instance of Sharda Prasad, Information Adviser to the Prime Minister the staff of the Research and Reference Division of the Information and Broadcasting Ministry was put on the work of collecting all the material press clippings articles and speeches of Sanjay Gandhi and keeping them ready This was to be supervised by the Chief Censor That mysterious secrecy was again given to the maintenance of these material also shows the apprehension of the officials who handled Sanjay Probably the officials were conscious about the impropriety with which they were being associated God help them !

The institutionalisation of emergency required a perpetual positive publicity to overwhelm the people The purpose was to be achieved through a one sided propaganda by playing up news favourable to the Government without giving the opposite view point Mere censorship would not have taken them to their destination On August 7 1975 Mrs Gandhi decided to explore the possibility of inducing established foreign writers to write facts about India She also wanted that necessary editorials be got written and published if

newspapers appeared with blank editorial columns Again at a high level meeting on August 12 1975 Mrs Gandhi said that 'favourable speech of M Ps should be publicised through Radio Television and newspapers Ways and means should be devised to provide the newspapers with necessary material so as to make them 'interesting and entertaining for the readers Government departments and agencies should provide sufficient material to the newspapers Publicity of positive aspects of the Emergency and economic programmes should be arranged in friendly foreign newspapers Various meetings were held and decisions taken in consultation with the Home Ministry and the I & B Ministry that all media units should project that the Centre must not be weakened in any manner and all the actions and policies of the Government are formulated in the larger national interest K N Prasad wanted to make it clear to the general public that there was no question of going back to old days of licence and irresponsibilities and ' permissiveness in public life would never be allowed again This decision was taken in view of the countrywide agitation launched by the *Lok Sangharsh Samiti* on November 14 1975 K N Prasad directed all the media units that steps should be taken to defuse the situation particularly in Kerala Karnataka Bihar and Rajasthan The media units should be instructed to strengthen public opinion against this agitation in a discreet and cautious manner The *Lok Sangharsh Samiti* was laying stress on the efforts to build up Mrs Gandhi s personality cult A high level meeting decided to counter the agitation by quoting Mrs Gandhi s own speeches and interviews where she had emphasised that all decisions were taken collectively Intelligence Bureau was asked to keep track of the activities of the *Lok Sangharsh Samiti* and the propaganda media was moulded to suit the occassion on the basis of the advice of the Intelligence men

PIB, the hand out producer' was the choice machinery for the positive publicity method adopted by Shukla and Mrs Gandhi A specific instance of the violation of the code of ethics of journalism relates to a cable from the London correspondent of Press Trust of India The cable was held up by the Censor's office and before passing it on to the agency

his scare was caused by the treatment of I K Gujaral
ds of Sanjay Gujaral was relieved of his Ministry
; commitment to Sanjay s mother and the Congress
to the expectations of Sanjay Referring to the
uldip Nayar Thapar mentioned that such was the
fear psychosis that no one even visited Nayar s
atives were also scared

hough Seminar ' was under pressure from the very
the real trouble started when the journal began pub
rt judgements Until then there was no censorship
ourts and Supreme Court Thapar tried to persuade
national dailies to publish the judgements But no
The June 1976 issue of Seminar raised questions
Emergency Thapar also referred to the warning
ohammed Yunus He said at that time one did not
her one fine morning he would be found hanging
in Connaught Place His difficulties to get the
rinted were greater than those with the Censors The
Press where the magazine was printed for the last
rears was penalized The result was that Statesman
d not print S minar unless the matter for the
vas cleared by the lawyers of the press Shukla had
two birds at a single shot punishing both the
and the Seminar

r also revealed that P N Haksar had told him that
roposal for the merger of news agencies came up he
d to it on the ground that it would be like Tass
loose credibility Only Jagjivan Ram supported
e objection had to be withdrawan

amaswamy who appeared before the Commission
l the audience present with his biting scarcasm His
of playing with the Censor The Censor he said
eir scissors without any sense and reasoning

rtoon mentioned by him showed Mrs Gandhi and
onversation In one corner stood Swaran Singh with
tion Here is a national debate on the Constitution
s This was not allowed by the Censor In another
ho s reply to a readers question— Who is Indira —

was, 'she is Motilal Nehru s granddaughter Jawaharlal Nehru s daughter and Sanjay s mother This was also censored Even quotations from Mrs Gandhi s own speeches published by the government were cut out by them The reason being Wrs Gandhi had spoken of freedom as more important than life itself and of dictatorship being only a short term phenomenon Cho said that not only Mrs Gandhi but Nehru Mussolini and Hitler were also not spared He said that right from the day of Allahabad High Court Judgement he stopped referring to Mrs Gandhi as the Prime Minister of India Perhaps the censor did not notice it Cho was threatened by the Censor that action under the Defence of India Rules would be taken against him He replied that if action against me is taken under the Defence of India Rules as stated by you I have no other option but to experience it I consider that the Defence India Rule is great I agree that MISA is greater but would I be wrong in assuming that God is the greatest? Let him—the greatest of all the almighty bless all and every one of us ' Apparently the Madras Censor was a god fearing man and Cho had exploited God to his end The Censor did not even reply to his letter

Cho had expressed his protest not only through the columns of his magazine but also throhgh other opportunity After the declaration of Emergency he refused to participate in a serial play in AIR He also refused to sign a blanket agreement concluded by the South Indian Cine Artists Association with the Government to Participate in any programme of the Government On this he was told that he could probably be the only person who refused and the names of those who refused to sign were to be sent to the Tamil Nadu Wing of the National Co-ordination Committee He was also told that he would have to face the consequence Even after th formal lifting of the censorship just before the election when he contracted the Censor to enquire whether he was free to write what he want d the censor told him you are free at your own risk But you will be watched This is the Government s stand '

Referring to a 1972 incident in which the was approached by an official of the CBI soliciting his support for the Youth Congress Cho told the Commission that a similar proposal

would have reached him during the Emergency but for his refusal to meet anther official of the CBI The Madras Censor *who was the middle man in this dramatic move had later told* him that the CBI official wanted to meet him to enlist his support for the Congress Party

B G Verghese the eminent journalist told the Commission that operation of censorship and news management was ' throughout arbitary if not illegal It was a mafia operation Whatever the Chief Censor and his official did or said was the law and there was no way to question them Vergh~se said that the pre censorship was repeatedly employed to punish and intimidate papers which did not fall in line with the govern ment The whole idea was to institutionalise Emergency Verghese described Mrs Gandhi as the Chief Architect of Emergency assisted by Shukla Mohammed Yunus Sanjay and an array of lesser functionaries and zealots

Nikhil Chakravarty the veteran journalist and the editor of Mainstream' made a revealing a statement before the Com mission Belonging to a party which supported the Emergency he might have had certain considerations for the government But as a sincere journalist he could not but criticise certain things and personalities apparently not to the liking of the Establishment As a very senior journalist he had a number of opportunities to talk direclty with the then Minister for Inform ation and Broadcasting Shukla had personally warned him and objected to his referring to Sanjay as high breed spring chicken Nikhil Chakravarty asked Shukla whether the des cription should be wild fowl let loose Shukla warned him that it was a serious matter and whether he liked or not Sanjay was a national leader

Referring to Shukla s statement before the Commission that he did not know who was the printer and publisher of Surya India Nikhil Chakravarty said that I would expect a minister of the Government of India even during Emergency to have *taken care to find out who was the publisher of the paper before* he decided to lunch it Chakravarty recalled how he was told about the publication of matters relating to the Congress and the reaction of the Congress Party leaders on the unusual

and improper assumption of Sanjay to the leadership of the Youth Congress No reaction against Sanjay nor even criticism of any one supporting or being supported by Sanjay was allowed He described how one such line escaped the Censor s attention After receiving the certified copy he told the Censor that the reference think tank of the West Bengal Congress which is leaking was to D P Chattopadhyaya The Censor was embarrassed

Chakravarty disputed Shukla s claim that the code of ethics was generally accepted by journalists He said that it was far from truth He had also pointed out that the bill to give effect to the code of ethics was opposed in the Cabinet by some

He cited instances of arm twisting by the Government Shukla tried to throw out C R Irani from the Board of Directors and Nihal Singh from the editorship of The Statesman Some journalists were transferred for example V P Ramachandran Deputy General Manager of United News of India was posted in Ranchi as Industrial Corres pondent and K Raghavan Editor in Chief of Press Trust of India was transferred to Bhubaneswar as Cultural Corres pondent The charge against Ramachandran was that he had made certain remarks about the Prime Minister in the Press Club and Raghavan was 'thought to have said something else somewhere He had also revealed that the talks b tween journalists were tap recorded by resp ctable looking ladies who were able to hide the tape recorders in cotton wool hand-bags The tape would eventually reach the Information Minister or the Prime Minister

Chakravarty told the Commission that the Informa tion Minister and some of his officers who attended the Nairobi Session of the UNESCO had indulged in some s cr t activities against official Indian candidate Dr S Gopal, who was however elected as a memb r of the Executive Committee of the UNESCO The reason for this behind the sc ne activity of Shukla was that Gopal was a signatory to a state-m nt asking for th p p m n of a proposed constitu tional amendment bill at that tim Th whisp r campaign and

lobbying made by the members of the Indian delegation created? a stir and the leader of the delegation had to call a press conference to state that Gopal was the official candidate The unexpected result was that western delegates who were interested in voting against India now voted in favour of Gopal as they heard that he was against the Emergency

Senior officials of the I & B Ministry who reigned supreme during the Emergency were hard put to face the probing questions from Justice Shah K N Prasad was one who faced many volleys A day with the Prime Minister was the brain child of K N Prasad But he told the Commis sion that his contribution was limited to the idea that if the film was made to project Mrs Gandhi first as Prime Minister second as national leader third as international leader and fourth as a mother and grandmother it would be all right His suggestion was only as a viewer and not as an official He however revealed that the film was seen by Mrs Gandhi who mentioned that it should also be shown to Sanjay K N Prasad wanted to make his position safe when he was questioned about the huge sum involved in the production and re making of the film He said that his concern was that if it was handed over to a professional producer it would cost more Justice Shah observed that his was a praise worthy move

K N Prasad was finding it difficult to answer Justice Shah s question about some of his notings in regard to enforcement of censorship In a particular instance K N Prasad had recorded his irritation and was unhappy as to why the journal Opinion should have been tolerated for quite sometime Prasad explained that even though the journal had come in for notice several times no action was taken against it That was the reason why he had made the observation In the case of the magazine Himmat pre censorship was imposed because it had violated the censorship regulations concerning family planning programme He pointed out that the family planning programme had led to certain law and order problems and it was decided to bring it under the censorship rules He particularly mentioned the happenings in Muzaffarnagar in that connection He however denied having any know-

ledge about opposition to the family planning programme and its implementation He had only heard about it but there was an impression in the Ministry that the criticism of the family planning programme was inciting people

K N Prasad did not have any reasonable answer to offer when questioned about his remarks on record that there was no question of going back to the old days of licence and irresponsibility and that permissiveness in public life would never be allowed again Justice Shah wondered how Government servants could use such words If the Prime Minister or a Minister said such things it could be understood Prasad muttered that I had merely repeated the words of political leaders He further explained that the words he had recorded in the file were the words used by the policy makers in various statements and as a civil servant he was only carrying out the policy in that extraordinary situation What he meant was that the situation should be defused and not the crushing of the agitations His explanation about permissiveness was that agitations have been launched and various issues were being taken to the streets Justice Shah curtly remarked ' as a police officer you did not like that Prasad was feeling uncomfortable with his police stigma but he had not worked as a police officer since 1955—he preferred to remain an intelligence officer!

The censorship against pro DMK newspapers in Tamil Nadu after the introduction of the President s rule in the State according to K N Prasad was done at the instance of Home Ministry About PIB hand out relating to R N Goenka he said that it was the work of the CBI which wanted to issue a series of statements on Goenka As it was the work of the PIB he handed it over to them for issue

K N Prasad denied to have any connections with the Congress Party beyond the highest level in the Ministry He was not in touch with the All India Congress Committee in connection with the celebration of the decade of achievements He however mentioned about a meeting at the house of Dharam Vir Sinha Deputy Minister in the Ministry of Information and Broadcasting where Yashpal Kapoor was

also present In that meeting Yashpal Kapoor explained the complete programme that the party would be undertaking The Ministry however had framed a programme of its own He hastened to add I have got no touch with Kapoor or anybody else in the Congress Party

He was very badly caught when asked about a list of journalists handed over to the Intelligence Bureau for verification of their antecedents Commission mentioned the names of some senior journalists and asked why it was necessary to make an enquiry into the conduct of those journalists who had a considerably long standing record Prasad had no idea why the Minister wanted this verification

The deposition of Shukla before Justice Shah had moments of fun as he was trying to admit defend and deny things with which he was connected during the Emergency

Beginning with his first direction to the newspapers about blank editorial columns Shukla said that it is within the law as I understood it Shukla believed that blank space signified protest and according to the policy of the Government protests were not allowed Any action of protest against Emergency or MISA had to be censored and stopp d That was the law What part of the law? asked Justice Shah As I understood law I directed it was Shukla s curt reply. While admitting his directions to the PIO to contact editors of Delhi newspapers to ensure publicity to the Prime Minister Shukla maintained that it was in consonance with the normal functioning of the Ministry to project things about the Government and the Prime Minister He however admitted that the Government had no legal right to give such a direction to newspapers But it was the duty of the PIO to get in touch with the newspapers and make such a request

He also admitted that he had approved the guidelines for censorship But his explanation was that those were the guidelines and not supposed to have statutory force Its purpose was to assist the journalists to self censorship No action was taken against editors who violated the guidelines Action was taken only against those who violated provisions of the censorship law!

Shukla tried to wash his hands off the censorship of High Court judgements He was well aware of the consequences of an action that could be built up as contempt of court Confronted with the statements of the Chief Censor that the judgement was censored under instructions from the Minister, Shukla said 'all my instructions were subject to law The officials who had willingly submitted to this political leader during Emergency might have learned their lessons whether they would get an opportunity to correct themselves in future or not About the action taken against Navajivan a paper established by Mahatma Gandhi for publishing the judgement of the Gujarat High Court Shukla said that it was the decision of the Chief Censor

Shukla expressed his surprise and maintained that it was unfortunate that Chakravarty had given undue weight in his testimony to his personal conversation with him His personal advice had nothing to do with the action taken against 'Mainstream Chakravarty s deposition before the Commission that Shukla had worked against the official candidate at the UNESCO Conference at Nairobi had surprised Shukla He requested the Commission to find out the truth from G Parthasarathy India s Permanent Representative to the United Nations at that time The Commission he said should have the benefit of reports from Research and Analysis Wing (R & AW) and the Intelligence Bureau

Shukla also tried to justify his action against the Press Institute of India The Institute he said had connections with another international institute in Manila and with the East West Centre functioning from Hawaii Islands which were heavily infiltrated by the Central Intelligence Agency (CIA) The CIA connections with those institutions had been established by the Congress of the United States To substantiate his claim Shukla had quoted Janardhan Thakur who took his graduation from the East West Centre which Thakur describ d in a recently published book on Emergency as a recruiting centre on the CIA

Referring to the statement of Romesh Thapar of Seminar that the action against Seminar was prompted by the

Prime Minister Shukla said, that during his ministership of eleven years he had never received orders from the highest quarters or the Prime Minister Whatever actions taken by him were solely his responsibility and in case of Seminar also the decision was entirely his own

Shukla maintained that the code of ethics for journalists was drafted and approved by professional journalists and prominent editors He wanted the code of ethics to be implemented so that the PPOMA could become a dead letter Code of ethics had no political overtones he said

He also tried to justify his instructions to AIR and *Doordarshan* to cover the visit of Sanjay to Calcutta As far as he was aware the private media were vying with each other to give widest publicity to the activities of Sanjay He therefore thought it necessary for the official media also to be in the fray That was why he asked his special assistant to convey his instructions to the DG AIR Shukla pleaded ignorance about the huge sum exceeding rupees eight lakhs spent on the Television coverage of Sanjay s visit It was not a question of Sanjay but one of the importance of the occasion! He also defended the publicity given to the work of the Implementation Committees for the new economic programmes because those Committees were set up by the State Government and not by the Congress Party The publicity given to the alleged tax evasion case against R N Goenka was at the instance of the Minister of Revenue and Banking Shukla was not aware of the fact that the matter was sub judice

Shukla had made a ridiculous statement when he asserted that no journalist was arrested at his initiative or at the initiative of the I & B Ministry during the Emergency Some of them he said were arrested for other than journalistic activities Foreign journalists according to him had accepted the guide lines issued to the Indian journalists and they were allowed to function on the basis of that and no undue interference was made in their working

MAD MEN AND THE MEDIA

Indira Gandhi and her son consid red themselves to be above the Government and the Party and expected popularity as a matter of right They knew pretty well that th y could achieve that only by tightening their control over the mass media They also knew that their designs would be successful only if they picked up a few committed people allowed them to do any unethical and perfidious thing and made them perp tual dependents or slaves In that process there were bound to be casualties She dug her own grave by k ping such spin less men in top positions They lacked sense of discretion and told only pleasantries keeping her always wrongly informed about her popularity

However by effective strong arm methods Mrs Gandhi and her caucus could send chills down the spines of the p ople of this country and create a fear psychosis that made them submit themselves to her despotic whims In spite of the satanic actions adopted by her the chain of events like the formation of the Janata Party and the resignation of Jagjivan Ram from the Congress just after the announcement of the election had cast doubts in her mind But by then everything except the government media was out of her hands Sh therefore decided to make use of every available avenue in the furtherance of her Party s election prospects

The entire media was abused in an unprecedented manner to gain advantage over the Opposition after the announcement of elections on January 18 1977 Censorship was kept in abeyance to enable a free and impartial election Mrs Gandhi and her henchmen soon found that even the minimum liberty given to the media was against the interest of their party and decided to have an informal but st ict control over the press The Government owned Radio and *Doordarshan* (TV) and the independent *Samachar* were pressurized by V C Shukla to

disseminate doctored news to boost the image of the Congress Party

The new developments—the new alignment of political parties and the birth of the Janata Party—had cast clouds over the prospects of the Congress Party and Mrs Gandhi found mass media as the only effective machinery to counter the Opposition campaign She therefore wanted to manage' it Directions were issued to the officials in the Ministry of Information and Broadcasting to maintain the press' according to her whims and fancies She was unhappy over the functioning of the media Mrs Gandhi summoned S M H Burney the *Secretary in the I & B Ministry on March 10 and told him* that his Ministry was not maintaining the press well and that All India Radio and *Doordarshan* were also not functioning properly Burney understood by the term maintaining the press' that Mrs Indira Gandhi was unhappy with the way the press was reporting Government s achievements and programmes and that AIR and *Doordarshan* were not giving adequate coverage to the programmes Mrs Gandhi also used to refer to the behaviour of the press In one of the meetings attended by her she had even mentioned that the Chief Ministers were able to manage the press much better (maybe with the *help of the police) Burney however swung into action swiftly* In no time the government media assumed the role of a full fledged propaganda machinery of the Congress Party Till then there was at least a mantle of fairness

There used to be daily meetings after January 21 in the *I & B Ministry attended by senior officials of the Ministry* including those of AIR and *Doordarshan* Sometimes even senior executives of *Samachar* attended them The *Samachar* which was supposed to be independent was also directed by the Minister for Information and Broadcasting to adhere to the policies and programmes of the Congress and give maximum publicity to the achievements of Mrs Gandhi

A propaganda machinery can always work wonders It was effectively utilized by the Feuhrer The Nazi dictator was believed and willingly obeyed by the vast majority of the Germans even up to the last moment because Goebbels did a

wonderful job His mediamen attained such high professional experience that their services were secretly hired by some countries after the war to vitalize their own propaganda Goebbels Indian counterparts claim^ed perfection without the professional expertise of their Nazi big brother They had only a profligate politician in Shukla to inspire them

One of the special characteristics of the Emergency was that the bureaucracy was attuned to the private interests of the power wielding circles in Government Even though their number was very limited their influence was all pervasive Even personal assistants of those powerful ministers twirled the whip to make mighty bureaucrats dance to their tunes The system worked very conveniently The ministers themselves escaped the inconvenience of giving shady orders They would speak only through their personal assistants Besides the mental make up of these so called assistants and the faithful were moulded in a manner which gave them extra sensory perception into the hidden meaning of the very gestures of the Feuhreress

The Information Adviser to the Prime Minister Sharada Prasad instructed the Information and Broadcasting Secretary to distribute photographs of the Prime Minister at the AICC meeting The instructions had the approval of Mrs Gandhi The Secretary did the job efficiently and to the utmost satisfaction of the Prime Minisrer A pat on his back is all that the bureaucrat wanted and earned Sharada Prasad however denied before the Commission that he had suggested the utilization of the Press Information Bureau for the AICC meeting He said among others he might have mentioned to Burney about obtaining the photographs of Mrs Gandhi through private photographers He also denied that he conveyed the views of the Prime Minister to anyone in this respect

Bhaskara Rao a consultant in the I & B Ministry prepared a paper on the election strategy of the Congress and sent it to Mrs Gandhi for approval Good work boys you are paid for that ' were her comments on the work of her assistants when she was fully satisfied

Mrs Gandhi and Shukla were present at a meeting held

disseminate doctored news to boost the image of the Congress Party

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on February 3 in which it was decided to project the personality of the Prime Minister as publicity to government policies This was emphasized in every meeting held in the I & B *Ministry Burney's understanding was that Mrs Gandhi* was the government and hence his projection of the achievements of the Prime Minister Precise instructions were therefore issued by the I & B Ministry saying that the achievements of the Prime Minister and the gains of Emergency and other similar programmes were to be publicised by the official media Burney denied that the meetings held in the Ministry were intended to assist the Congress Party

As a propaganda machinery the mediamen were supposed to contact editors of national dailies and ask them to behave properly The *Samachar* executives were invited to the meetings of the I & B Ministry to keep them acquaint with the trends of thinking of the Government and to set themselves as examples for the rest of the media Shukla removed a number of persons from the *Samachar* to clear the agency of elements whose loyalty or reliability was suspect Officials from AIR and Directorate of Advertising and Visual Publicity (DAVP) were made to translate the manifesto of the Congress Party thereby completely obliterating the thin line that divided the Government and the Party

The story of the misuse of AIR during the election campaign was revealed before the Commission by S C Bhatt Director of News Services All India Radio (DNS AIR) The distortion of news by AIR was the most cynical and blatant manipulation of the media for the interest of the ruling party Immediately after the announcement of the elections a section of the press had started functioning in an impartial manner but AIR continued to be in fetters Even during the Emergency earlier the ratio of news coverage between Congress and *Opposition was 55 45*

There was a dramatic change after the resignation of Jagjivan Ram on February 2 AIR tried to give a factual report of the event but at the instance of Shukla the *resignation of Jagjivan* Ram was subsequently termed defection Shukla wanted to give a different colour to the

incident Again on February 5 when the Congress Party's meeting at the Ramlila Grounds in Delhi addressed by Mrs Gandhi was described by AIR as a large gathering Shukla expressed his unhappiness over it and insisted that the meeting should be described as a mammoth one The DNS AIR had to repeat this item in further news bulletins to push the mammoth down the listeners gullets This was rather unusual but the instructions were from Shukla

The credibility and 'balance in the news coverage of AIR was in doubt Complaints were received by the higher ups that the coverage given to the Opposition was rather unnecessarily fair On February 24 Burney ordered that the coverage of the news should be favourable to the Congress and the ratio should be 2 1 This was stepped up to 3 1 in favour of the Congress from March 3 During the period from March 8 to 11 the ratio was more than 3 1 This also did not satisfy Shukla because even the very limited coverage given to the Opposition was still effective and the Opposition gained from it Therefore an order came from Burney on March 11 that from that day onwards the major news bulletins should be cleared by the Secretary or Additional Secretary of the I & B Ministry before broadcast The result was that from March 12 the ratio of news coverage between the Congress and the Opposition rose to a fantastic proportion of 8 3 The Opposition was given only a semblance of coverage

Instructions were given to provide coverage not only to top leaders of Congress but also second rate leaders of the Party at the State level AIR found that many of these leaders were not active or unable to address meetings The reporters of AIR had to run to them and extract news for broadcast They however worked unashamedly Bhatt had made efforts to maintain the credibility of AIR but Burney told him not to bother about such silly things Bhatt was cautioned by Burney that you would get into trouble and you have mental reservations

The instructions given to AIR during the period were oral and in total violation of the written instructions issued by the I & B Ministry It was necessary to carry out the

footrule or any mechanical measure to find out the proportion Burney had no answer

Burney admitted that he asked the DNS AIR to describe the Congress rally in New Delhi on February 5 as mammoth and not to describe the Opposition rally as such The publicity on the achievement of the Congress Government was with a view to influence the electorate in favour of that Party when the elections were announced

The Additional Secretary in the I & B Ministry K N Prasad however admitted that he was responsible for imbalance in news coverage from March 11 to 19 and that he was guided by the instructions of the Secretary

A report on the alleged violence in Delhi by the Janata Party workers on a Congress rally on March 13, was twisted in favour of the Congress AIR reported that the Congress procession was attacked by the Janata Party workers and a police Sub Inspector accompanying the procession was injured and later died Police records showed that the Sub Inspector died of heart attack The DNS AIR did not have the guts to correct a mistake as the news item related to the Congress Party He therefore consulted the Secretary I & B Ministry who thought that it was too late to correct the mistake

Almost every senior official who deposed at the Commission tried to defend himself saying that he had no choice Burney was no exception but was slightly different in approach as he maintained that he was following the guidelines laid down by the Ministers and as far as I am concerned as a civil servant I am to carry out the policies of the Prime Minister and the Information and Broadcasting Minister He also held that the Prime Minister herself had made it clear in 1975 that Radio and Television were Government media

Officials of the I & B Ministry were very enthusiastic about carrying out the orders of the higher ups They used to obey even Navin Chawla Sanjay Gandhi s con man in Delhi Raj Niwas But at the Commission all of them tried to save their skins under the big umbrella —the guidelines Many

circulars were issued by the I & B Ministry One such circular issued in September 1975 distinctly laid down that there was no question of neutrality so far as AIR and Television were concerned, nor could they be concerned with credibility

Yet another circular advised officials to obey even oral orders of superiors and carry them out within twenty four hours These were the guidelines given by the Prime Minister the I & B Minister and Deputy Minister Burney pleaded before Justice Shah that he was always for positive publicity and was trying to bring about a certain amount of balance in the news coverage

K N Prasad a policeman turned newsman suggested that Jagjivan Ram s resignation be put out as defection He admitted it before the Commission but hastened to add that he neither meant any disrespect to Jagjivan Ram nor intended any impropriety He also denied the pressure he exerted on journalists Prasad used to summarise statements issued by important Opposition leaders

Shukla s deposition at the Commission was very interesting He was cornered into a series of admissions but he had a series of denials to his credit too Shukla conceded that he had instructed suppression of news relating to the alleged assault on P L Kaushik in Raipur, that he had ordered the screening of Bobby on February 6 by Delhi Television that he was responsible for the inclusion of *Samachar* officials in the daily meetings of the I & B Ministry and that he had issued directions to weed out from *Samachar* jou nalists favouring banned organisations

Shukla was so thoroughly cornered by Justice Shah that he had to reverse some of his earlier statements He had earlier stated that Kaushik was not assaulted in Raipur Later on he corrected I did not say there was no attack on him I said he was not injured He had justification for that because most of his replies were prefaced by subject to correction (*Shukla had dropped a brick when he corrected* his version of Raipur incident at the Shah Commission because at the Srivastava Commission who is enquiring into the Raipur incident, he had stated that there was no attack on Kaushik)

DAMN IT AND DENY IT

A report appeared in one of the national dailies in the midst of the very hot election campaign that a number of officials from all India Radio (AIR) and the Directorate of Advertising & Visual Publicity (DAVP) were trooped into the building of the International Youth Centre on February 7 and were compelled to translate into various regional languages the election manifesto of the Congress Party The report caused a stir but the Government managed its suppression by the harsh use of censoring and other high handed methods and did not allow it to snowball

While deposing before the Commission the Government officials who translated the election manifesto openly confessed *that they could not differentiate between the party in power* and the Government hence they innocently fell victim to the evil practices of the despotic regime

Under instructions from Shukla Narendra Sethi Director DAVP and S C Bhatt Director NSD AIR deputed a few assistant editors and news reader cum translators for the translation of the Congress manifesto These officials were transported in official vehicles or in private vehicles and were detained in the building of the International Youth Centre at Chankyapuri in New Delhi, for about seven hours and work was extracted from them under duress The work was personally supervised by Sethi

Sethi was one of the perfect sycophants of the Emergency regime Presumably the spit fire nature must have had its backing in the bond that existed between him and the rulers of the dark The release of advertisement by him to the fortnightly The Surya India against the wishes of the concerned officials proved to be the most fatal blow in his life

When the report concerning the utilisation of officials for the translation of the Party manifesto appeared in the Press the officials under whose direction the translation work was carried out found themselves in a critical enigma They frantically tried to find a way out to save their skin They approached Shukla again His solution to the puzzle was to obtain denial statements in writing from all the officials who had undertaken the translation work Denial statements were obtained only from a few of the hundreds of translators in AIR and DAVP

The officials who had actually done the translation work had no option but to sign the denial statement under fear of serius consequences Shukla Tripathi and K N Prasad (known for his sharp paws)—all tried to deny the facts that they were behind the activities connected with the manifesto episode But the deposition by the translators laid bare the fact that Shukla and his company were the force behind this aberration

After listening to the testimony of a few officials of DAVP and AIR Justice Shah remarked that the possible use of the Government staff to translate Congress manifesto into different languages was a serious infraction of the election laws which might disqualify some candidates

Special Assistant to the former Information Minister V S Tripathi denied having given any instruction to Sethi and Bhatt to send translators to the International Youth Centre for the translation of the manifesto Tripathy put it before Justice Shah that Bhatt was trying to foist the responsibility for sending the translators on to him Asked by Justice Shah as to whether there was any reason for Bhatt blaming him Tripathy said that Bhatt and Sethi had committed the mistake of sending the translators and later obtained denial statements from the translators and now Bhatt is trying to foist the responsibility on me He suggested that Bhatt was concocting a story to save his own skin To complete that story he had to say I had knowledge of sending the translators and it was I who had conveyed the instructions' Bhatt had earlier deposed that Tripathy had contacted him over the phone and told him that AIR should provide

translators for translating the Congress election manifesto Tripathy tried to impress upon the Commission that he did not ask the Director of DAVP and DNS AIR to utilise the services of the translators and that Shukla did not have any involvement in the matter

K N Prasad who was in charge of DAVP had admitted that irrespective of morality of propriety they had followed instructions and manipulated government media K N Prasad was practically grilled by Justice Shah for his apparent laxity in handling the question relating to the translation of Congress Manifesto by the government officials His admission however did not take him far Inspite of the fact that it was a corrupt practice he slept over the matter for more than a month At that time it had not occurred to him that he should hold an enquiry into the allegation After the news papers reported the matter and the enquiring officiers had told him that the translators were denying having done any work for the Congress Party he suggested that their written state ments be obtained He did not care to pursue the matter further

Bhatt told Justice Shah that it was Tripathy who had asked him to provide men to translate the manifesto AIR officials were to complement the officials already engaged for this work from DAVP Sethi was personally coordinating the work at the International Youth Centre Bhatt revealed that he had told Tripathy that the AIR Staff could not under take the party work but he was informed by Tripathy that it was the Minister s instruction

Eight assistant editors from DAVP and eleven news readers cum translators from AIR had told the Commission that they had no option because of the prevalent tension and Emergency furore A fear psychosis gripped them and they could feel free only after the lifting of the Emergency in March 1977 The officials were taken to the building where the work had to be done in rather a suspicious manner They were not informed beforehand of the nature of the work to be done The staff from DAVP were either taken to the building in the official or hired vehicles for which payments

were made later Most of the staff from AIR were called from their residences by sending the staff cars at the disposal of AIR The vehicles were stopped a little away from the Vishwa Yuvak Kendra building to avoid suspicion The officials were then introduced to the Congressmen present there by Sethi as my officers without disclosing their indentity

The officials from AIR and DAVP deposed that they had done the translation work later on they were forced to deny having done it under pressure of victimization They were apprehensive of serious consequences The manifesto they had to translate was not quite different from the material they used to handle during the Emergency in their routine work

The Senior Copywriter of DAVP K S Srinivasan under whom the translators were working had told the Commission that they were taken to the Intarnational Youth Centre without his knowledge He admitted that 'we have not only done a wrong thing but a hienous thing Even though his under standing of the situation was very clear he could not do any thing about it He said that he however appreciated the mess in which his junior officials were in and assured them that he would stand by them in case of trouble

At the cross examination stage Shukla's lawyer Rajendra Singh who tried to trip some translators was himself tripped Singh s effort was to disprove that the translators had actually spent one whole evening at the Yuvak Kendra translating the manifesto A senior correspondent of AIR S S Sarna told the lawyer that he had been a translator for thirty years and he would normally be able to transtate about two pages an hour Singh expressed his surprise but Sarna cited an example to support his point—once he had taken four hours to arrive at an appropriate translation for a simple sentence Forget the Government, do your own work After four hours thinking he had come up with the rhyming couplet

Sarkar ko ram ram
Khud savaro apna kaam

The lawyer had to concede the point and did not refer to the speed of the translation after that

Another translator R Rahman of AIR complained that though he was a heart patient, and had not been well on

February 7 1977 he was commandeered for the translation work Singh remarked that Rahman was talking smilingly of his ailment Rahman shot back ' After all I am a radio artiste !

There was a possibility of establishing a link between Shukla s role in the manifesto translation and several trips made by the DAVP staff car to Shukla's house on its way to the International Youth Centre on February 7

If what Bhatt told the Commission could be correct that would establish Shukla s role in the translation case Bhatt had been categorical in his statements about the instructions received from Tripathi who had been acting under his Minister s instructions Bhatt had justified his actions on the basis of a circular issued by the DG AIR suggesting that the instructions of the Minister are that his orders including verbal orders conveyed personally or through his Special Assistant are to be complied with within a period of three days They therefore took it for granted that the instructions from Tripathi had the sanction of his Minister

MANIPULATING THE D A V P

V C Shukla had deposed before the Commission that he did not know who was the printer and publisher of the magazine Surya India Higher rate of Rs 4 000 was allowed eventhough its entitled rate was only Rs 765 50 to help Maneka Gandhi Normally the contract between a publication and the Directo rate of Advertising and Visual Publicity (DAVP) is for a financial year and no mid term revision is allowed

The DAVP being the sole agency for all advertisements of the Government of India contribute considerably to the income of newspapers and other periodicals Immediately after the declaration of Emergency, the Government went for a revision of the advertisement policy Shukla s co ordination meeting held on June 29, 1975 asked the Press Information Bureau (PIB) to prepare a comprehensive list of all dailies and periodicals with a significant circulation divided into three categories—friendly neutral and hostile ' The high level meeting called by Mrs Gandhi on July 26 1975 also decided that 'the policy of giving advertisements and printing work by the DAVP and public sector undertakings should be reviewed

Thus the publications which were in favour of the Government and against anti Government and anti Prime Minister agitations for the past six months were to be treated as friendly Those which were against the Government and sup ported the anti Prime Minister agitations were termed hostile The Principal Information Officer Dr Baji prepared a com prehensive list of newspapers categorising them into A (friendly) B (hostile) and C (neutral) On the basis of this K N Prasad at that time Officer on Special Duty in I & B Ministry recommended that advertisements be stopped to hostile newspapers and that publicity material and advertisement be

supplied liberally to friendly and neutral papers Shukla was not satisfied with the list but ordered Effective action can now be envisaged

The hostile newspapers were delisted and release of advertisements to them was immediately stopped Instructions were also issued to State Governments and private advertising agencies not to issue advertisements to such publications to make the policy fully effective and purposive The DAVP did extensive monitoring to see whether any organization of the Central or State Governments had released advertisements to the delisted publications Souvenirs and periodicals brought out by the Congress Party its various organs its MPs and MLAs were supported generously

Ashok Walia Managing Director of National Guard a monthly had approached Shukla for an advertisement Shukla directed him to his Private Secretary C K Sharma who in turn sent him to Sethi Sethi ordered on the visiting card of Walia Please issue advertisements as desired by PS to MIB

Before November 13 1975 there was a ceiling of rupees seven hundred and fifty per page on DAVP advertisements to souvenirs But on that day Shukla ordered an upward revision He began recommending the issue of advertisements to souvenirs brought out by the AICC or any organisation patronised by the Congress Party

The Souvenir published by the organisers of the Chandigarh Session of the AICC (December 29 1975 to January 1 1976) was successful in obtaining advertisements worth rupees fifty thousand from the DAVP This was done on the orders of Shukla DAVP was also enthusiastic in sanctioning the unheard of rate of rupees five thousand per page to it It released ten advertisements at the rate of Rs 5 000 per page The Souvenir brought out by the AICC meeting in Delhi in 1976 sought advertisements at the rate of Rs 1 000 per page but submitted bills at the rate of Rs 2 000 per page Shukla ordered payment of the bill and the DAVP complied

In 1975 76 and 1976-77 Rs 1 33 000 worth of advertisements were released to Congress Souvenirs alone on the orders of Shukla Opposition Souvenirs got Rs 1 700 worth of advertisement in 1975 76 and none at all in 1976 77

The pattern followed in the release of advertisements to newspapers and journals was not different from one followed in the case of souvenirs

Advertisement rates were revised in an unprecedented manner obviously to help friendly newspapers and journals Normally mid term revision is not done But at the instance of Shukla a mid term revision was made and a new rate structure was introduced from February 1 1977 when the election campaign was in full swing

The expenditure of the DAVP on newspaper advertisements alone rose from Rs 142 lakhs in 1974 75 to exceed Rs 221 lakhs in 1975 76 It further rose to Rs 280 lakhs in 1976 77

When Subhadra Joshi asked for advertisements for Secular Democracy there was a time when Shukla would not refuse it The advertisement manager of the daily Veekshanam (Cochin Kerala) wrote to Shukla requesting advertisements for a sup plement to be brought out on the occasion of the anniversary of the launching of 20 point Programme The DAVP expressed its inability to issue advertisements because of exhaustion of budget allotment But MIB has desired that two advertisements may be released budget or no budget The Amrit Bazar Patrika and Jugantar' (Calcutta) were also favoured by Shukla

The National Herald published from Delhi and Lucknow was one paper to get the patronage of the DAVP without ask ing Its advertisement rates were revised upwards from April 1 1976 although its circulation had fallen The total adver tisements released to the paper rose from about rupees four lakhs in 1975 76 to nearly rupees six lakhs in 1976 77 The supplements brought out by The National Herald from time to time were also helped liberally In October 1976 when the advertisement manager of the paper approached K N Prasad for advertisements for the paper s Sp cial Number on the birth anniversary of Jawaharlal Nehru the rate given was Rs 8 000 per page Prasad assured him of advertisements for Rs 80 000 for the supplement alone But the DAVP was able to release advertisements for Rs 16 000 only So they asked eight public undertakings to release advertisements worth

rupees eight thousand each Prasad wanted to keep the commitment Therefore the undertakings were pressurised to oblige

The official weeklies of the AICC were also helped liberally Socialist India Socialist Bharat and Sub Saath were given more and more advertisements without looking into their circulation or other details Advertisements for Socialist India rose from Rs 3 000 in 1974 75 to more than Rs 1 00 000 in 1976 77 Similar rise for two other weeklies were also allowed Young March and Yuva Pragati are publications of the Indian Youth Congress Under instructions from Shukla advertisements worth Rs 20 000 were released to those journals on July 27 1976

Advertisement was also used to pressurise newspapers to bring them into the friendly category Lok Raj a Gujarati daily and Alai Osai a Tamil daily are examples Advertisements to those two newspapers were initially stopped on the basis of reports from certain Congressmen The ban was lifted when they were satisfied that the newspapers were covering the 20 point Programme and the Prime Minister (with photographs) to their satisfaction

Deposing before the Commission the manipulators of the advertisement policy had a difficult time explaining their role in the misuse of public funds

The Media Executive in the DAVP Harnam Singh in his 40 page statement brought to light the manner in which the office was abused by Shukla Harnam Singh revealed that the officials who resisted the Shukla thrust were threatened by the former Director N Sethi Singh said that there was hardly a day when officials in the DAVP did not hear the phrase heads wil roll (*garden kat jayegi*)

Prasad admitted that under instructions from the Minister he had ordered to explore the possibility of making the advertisement agencies agree not to release advertisements to hostile publications Explaining the circumstances in which he had approved withdrawal of advertisements to *Dastan e Watan* an Urdu weekly published from Delhi Prasad admitted that he had solely depended on the PIB report on that journal The report described it as communal

Justice Shah Prasad you had read the PIB note before you gave approval What part of it was communal?

Prasad I think I did not read it I saw only that part which said communal and I said I agree

Justice Shah You had no time or inclination to read?

Prasad Maybe I read asteriks

Justice Shah You regarded critics of the Congress Party communal?

Prasad I had not applied my mind to or read the PIB note

Burney straightaway admitted that his orders were not voluntary I recorded the oral instructions' from the Minister Burney failed to explain the term anti government' by which the newspapers were classified with regard to the release of advertisements He said that he did not make the assessment himself Justice Shah observed So you were projecting the mind of the Minister in your notation and presumed that the Minister must have thought that the campaign was anti state '

Shukla had taken an adamant stand before the Commission On what basis advertisements were stopped to certain publications Justice Shah asked Shukla replied that I laid down the policy I laid down the criteria We did our best to follow these guidelines' Shukla then made it clear that he did not wish to go into the details of individual cases He did not expect the judgement of the Commission and his judgement in this matter would tally Justice Shah pressed his question but Shukla kept repeating I will not go into individual cases I won t be able to help the *Commission in individual cases You kindly make* your judgement and find out whether I failed or did not fail in applying these guidelines

Justice Shah I would like to have your assistance

Shukla I won t be able to give my assistance

Justice Shah tried in vain to bring Shukla into the details of the release of advertisements in individual cases like that of The National Herald Secular Democracy and Surya India It was evident that Shukla had no explanation

THE SAMACHAR THAT SHUKLA SIRED

On December 13 1975 the Cabinet decided to use other methods to bring about the merger These methods were gone through before January 24 1976 So it took one month and eleven days to complete the methods to induce persuade and compel the agencies to join in this scheme of merger Is that right? Justice Shah asked after hearing the evidence of a number of witnesses in the case relating to the merger of four news agencies to form *Samachar* during Emergency

Yes Shukla replied meekly from the witnness box Shukla admitted it before the Commission on October 31 1977 But next day i e on November 1 Shukla mounted the witness chair and began the somersault He coolly reversed his testimony of the previous day and said it would not be in the fitness of things to say that the hasty union of agencies was accomplished in one month and eleven days We applied no pressure —he had gone back completely We only assisted helped and guided them Inducement persuation and compulsion were words natural of Shukla

Shukla managed the merger to advance the cause of press freedom Nothing we did was against any law of the country All was within the right of the Government to do

Whatever be the version of Shukla the real story behind the voluntary marger of four news agencies—Press Trust of India (PTI) United News of India (UNI) Hindustan Samachar and Samachar Bharati—was that the news agencies had to succumb to the pressures of the Government and go down under the banner of *Samachar*

The decision in this direction was taken by Mrs Indira Gandhi on July 26 1975 Immediately after the Emergency, Shukla explored the possibility of setting up of a News Corporation of India by an Act of Parliament The Cabinet considered the proposal on December 13 1975 and decided to try *certain other methods' to merge the news agencies*

Shukla interpreted the usage other methods in his own way and used all possible pressures to force the Managements of the news agencies to merge Pressure was mounted on the agencies by discontinuing subscription by the AIR, by demanding immediate payment of amounts due to the Posts and Telegraphs (P & T) Department and by cutting off their teleprinter line and electricity connections

Principal Information Officer Dr Baji compelled the former General Manager of the PTI K S Ramachandran to agree to the merger Baji warned him that if he did not agree he would be detained under MISA

Agency teleprinters in use in various ministries and departments of the Government were disconnected except for a few Loans to the news agencies were withdrawn and recovery measures were made rigorous It was not a coincidence that the P & T action against the news agencies was announced just two and a half hours after the Cabinet decision to try other methods was taken The P & T offices throughout the country demanded immediate payment of varying amounts due to them from the news agencies The Information and Broadcasting Ministry owed rupees thirteen lakhs to UNI whereas the amount due from UNI to the P & T department was about rupees four and a half lakhs Shukla refused point blank to release the amount unless the news agencies were merged

The new year greetings in 1976 to these news agencies was in the form of a letter from AIR informing them that from April 1 1976 AIR would not require their services

The Government also moved in a calculated way to eliminate those journalists who opposed the merger move G G Mir

chandani General Manager of UNI was smoked out of his post K S Ramachandran General Manager of PTI who was to return only in April 1977 was compelled to proceed on leave and Wilfred Lazarus was appointed as the acting GeneralMana ger of the PTI Lazarus thus superseded C Raghavan Editor and at that time No 2 in the PTI set up who was posted as Correspondent at Bhubaneshwar Thus they got rid of another stumbling block Raghavan was suspected of lobbying against the merger The choice for lazarus was that of Sanjay Board of Members of the *Samachar* was also appointed by the Government

The Government reserved the right of the last word in the appointment and dismissal of Correspondents and Reporters in *Samachar* A part time district Correspondent was sent on a foreign assignment District Correspondents of Ujjain Wardha and Hissar were summarily removed from service at the instance of Shukla

That was the truth of the voluntary story about which the Government was waxing loquacious Mrs Gandhi stated on April 6 1976, We have just had a merger of our news agencies and this merger has no direct cause and effect rela tions with the Emergency It was a long overdue reform But somehow we were unable to persuade the owners of the agencies to come together The Emergency has infused some will power in every field of national endeavour so that it is possible to deal with outstanding issues and reforms one by one

Apart from Mrs Gandhi Shukla and their officials Mr Gandhi s Special Representative Mohammed Yunus also played an important role in the merger of the agencies He had been giving all sorts of suggestions All moves for the merger were cleared by him and approved by the Minister

The formation of *Samachar* was with the sole purpose of disseminating doctored news Before the formation of *Samachar* the agencies were purveyors of officially released material along with harmless international news sports news and the like After the merger there was little change in the functioning of the agency except for the fact that earlier there was only deletion of unwanted news But afterwards the Government was able to guide *Samachar* to carry reports in the specific form it wanted and called upon newspapers to publish the news as received from *Samachar* The Government thus utilised the services of the agency as an only channel for carrying its authorised versions

Reports were manipulated in an unprecedented manner P S Kasbekar Editor of *Samachar* revealed that the story about CPI meeting in Bangalore perhaps incurred the severest criticism This story was palpably untrue but the inspiration behind it can be guessed from the fact that there were at that time certain interests in the corridors of power working with all the force at their command—and that was a substantial force—against the CPI The CPI story was passed on by the Intelligence to A P Sharma, Minister of State for Industries and Civil Supplies He passed it on to *Samachar* The handling on Turkman Gate firing incident in April 1976 also earned a bad name for *Samachar*

Samachar played an important role in the build up of the image of Sanjay It assigned a Special Correspondent for the sole purpose of covering his activities Shukla had ordered that Chaman Bhardwaj Special Correspondent should be assigned exclusively to cover the activities of Sanjay and he should be asked to go along with Sanjay everywhere This was contrary to the practice of the news agencies Even the PM did not enjoy such a privilege

Senior journalists like G Kasturi Chairman of *Samachar* P C Gupta the former Chairman of the PTI Board of Directors Lazarus and many others told the Commission that the merger of the news agencies was achieved through strong arm methods of the Government Mirchandani said that he moved heaven and earth to prevent the merger He met a number of

cabinet ministers too and one of them suggested a meeting with Sanjay He decided to meet Sanjay as it was well known that he had a big hand in governmental matters He thought that he could educate Sanjay and convert him to my point of view' He also disclosed that Shukla s pressure came in a very peculiar way When the Board of Directors met, they would get the information that certain teleprinter lines were snapped by the Government The same thing happened when the PTI Board met on two occasions This was perhaps with the intention of inducing the boards to think faster

STRANGLING A LARK

How to establish her son on the throne of Hindustan was Mrs Indira Gandhi s problem A solution was worked out with the help of unintelligent and hasty suggestions of her son and his lieutenants They left no stone unturned to achieve what they wanted Kishore Kumar the singer, was one who suffered terribly in the process

Art cannot flourish and prosper under oppression Art and its various dimensions of creative activity should not be suppressed by any power on earth The Emergency in India imposed by Mrs Gandhi has gone down in Indian History as the Dark Age Her regime had done injustice to art which is supposed to have no bounds unless it threatens the integrity and independence of the nation

Mrs Gandhi s regime banned Kishore s songs This was indeed a high handed and illegal act of a so called civilized national Government A total ban on the songs of Kishore on Radio and Television was effected during the Emergency on his refusal to sing in praise of the four plus twenty point programmes The Information and Broadcasting Minister (who expressed his helplessness before the Commission) ordered the Ministry s officials to contact various gramophone companies such as Columbia HMV and Polydor to freeze all recordings of Kishore The Central Board of Film Censors was also asked to look into the aspect of refusing censor certificates to films for which Kishore had sung Kishore and his songs survived the vagaries of the dictator But Mrs Gandhi and her rule that had suppressed the arts had almost gone from the minds of the people Let us examine how this injustice to art was executed by Mrs Gandhi during Emergency

The Administration s high handed ways meant to bring in line a recalcitrant artiste of the cine world were slowly unfolded

before the Commission In the words of Justice Shah it was an action reminiscent of the days of slavery V C Shukla the Rath Ka Raja of Raipur' very reluctantly agreed with Justice Shah that it was a regrettable episode

The witnesses revealed that a total ban on the songs of Kishore on Radio and TV was effected during the Emergency It all started with the Government soliciting the filmdom for their co operation to praise the four plus twenty point programme in the programms of All India Radio TV and films The I & B Ministry had asked certain people in the film world to arrange a programme in this connection The records available in the Ministry revealed that G P Sippy (whose Sholay was being screened in Plaza New Delhi for months together even though such films depicting violence were being refused certificates by the Government) Shri Ram Vohra and Nazir Hussain took the opportunity to meet the Secretary of the Ministry Shri S M H Burney on April 29 1976 They discussed the matter of publicising four plus twenty point programme and expressed their readiness to support the programme They said that senior artistes would readily co operate excepting a few They had particularly mentioned the name of Kishore in the latter category On the basis of this information Burney ordered an immediate ban on the records of Kishore on TV and Radio for a period of three months He also ordered the Ministry officials to contact various Gramophone Companies, such as Columbia HMV and Polydor to freeze the sale of all recordings of Kishore The Secretary also desired that the possibility of banning his records on the BBC be explored Apart from this his directions were to contact all the producers who had contracts with Kishore and to persuade them into a total boycott of the play back singer For this purpose the machinery under the Ministry such as Central Board of Films Censors Films Division etc was moved to ensure that no film containing songs of Kishore was released The Central Board of Film Censors was also asked to look into the aspect of refusing certificates to such films

The officials of the I & B Ministry viz Burney Secretary and C V Jain Additional Secretary proved to be more loyal

than the king himself with regard to accepting the action against a conscientious Kishore The ban on his songs took effect on May 4 1976

The Deputy Director General (Commerce) AIR met the Managing Directer of HMV who told him that HMV had from 1100 to 1500 catelogues of which two out of three had songs of Kishore sometimes accompanied by other artistes Being in such a circumstance the HMV Director said that it would be difficult for him to refuse to take those records for print or not to put them in circulation Similarly the Station Director Bombay had discussions with Polydor almost on the same lines Polydor suggested that the matter would have to be tackled at the producers level

It was apparent that the action and tension mounted with very clear and brutal force resulted in Kishore succumbing to pressure He wrote a letter on July 14 1976 to the I & B Minis try assuring his full co operation On receipt of this letter the reaction of C V Jain Additional Secretary was that in view of the undertaking given by Kishore Kumar in writing we may lift the ban with immediate effect and watch the degree of co operation he extends needless to say that it is always possible for us to reimpose the ban whenever we feel that that the need ed co operation is not forthcoming All these officials were taken to task when thev appeared before Justice Shah to depose in the case Justice Shah told Burney that being a very senior officer he ought to have realised that even during the Emergency there was no slavery in this country Justice Shah observed that if an artiste thought that he should not co operate with a programme of the Government no one had right in law to approach the Gramophone Companies to freeze all his songs and also to direct that the films in which he sang should not be given censor certificates Justice Shah asked Burney under what authority of law can you do this unless it was thought that in this country there was slavery to compel someone to do something Burney was non plussed and he replied meekly that the measure was not intended to be implemented Burney said that he had acted on the basis of the report of his officers that they were treated in a particular way by the artiste

(Burney has recorded in a file that Kishore Kumar did not condescend to meet any of the officials of the I & B Ministry) Justice Shah asked as to what mattered if someone had refused to meet the officers It was only a matter of the prestige of the officers concerned that they must be met and given proper respect by the people If they did not they were to be treated in the manner in which the officials suggested? Justice Shah added I still am not aware of any law constitutional or otherwise that when a Government officer wants to see a citizen he must go and meet the officer

The next to depose was V C Shukla He admitted and took upon him the entire responsibility and pleaded that no officer should be flogged for the action against the play back singer Shukla agreed that it was a wrong action Justice Shah enquired of him whether he had realised the extent of the damage he had done to an individual artiste and to the fabric of society in general He also commented that the Government was willing to compel people and if they would not toe the official line they would be dealt with in ways other than permitted by law That was nothing short of slavery

However the ban on the songs of Kishore turned out to be a swan song for the strutting swan of Indian politics and his unholy entourage

ICEBERG OF ARRESTS TIP TO BOTTOM

The cases taken up by the Commission for examination of witnesses were only the tip of the iceberg Thousands of people were put behind the bars without recourse to any legal redress In the Union Territory of Delhi the executive and its various arms annexed and enlarged all available avenues and established their own little kingdoms

Krishan Chand the Lt Governor took the suggestions of the Prime Minister in every case I did not do anything on my own he told the Commission Some senior officials told the Commission that all the arrests and detentions in Delhi were ordered by the Lt Governor But Krishan Chand maintained that the Delhi Administration was annexed by the 'Prime Minister s House He told Justice Shah Sir if you introduce S G for L G in the statements made by various former senior officials of the Delhi Administration a lot of things will become clear S^cretary to the Lt Governor Navin Chawla was acting at the behest of Sanjay

Before proceeding any further let us pose a question here To what extent can a government servant refuse a minister? The book of statutes apart this is a point which Justice Shah may have to elaborate in his report

The Delhi Administration had been treating the Central Home Ministry in a very casual manner This was evident from the statement of the Special Secretary (Home) of the Delhi Administration Shailaja Chandra She stated that Navin Chawla the Secretary to the Lt Governor (and a close associate of Sanjay Gandhi) always said that we shonld not bother about the Ministry of Home Affairs criticism and the officer creating trouble would be settled She further stated ' almost invariably the advice of the Home Ministry was not accepted by the Lt Governor The Chief Secretary of Delhi,

J K Kohli also told the Commission that there were occasions when the Ministry of Home Affairs (MHA) had taken a view different from that of the Lt Governor On this occasion we noticed that most often the Lt Governor s views prevailed and the MHA had to retract its stand ' It used to be regarded by the former Lt Governor that the Union Home Minister had *no political sense and that the ministry officials were file* pushers

No matter who worked at cross purposes the people always have been the sufferers They continued to languish in jails No one got even bail, except those who could bring in some ' extra constitutional influence

Everyone from politician to juvenile delinquent was arrested under MISA The case of a thirteen year old boy detained under MISA came up before Justice Shah One of the boys was just thirteen years old Was there any reason for this gross negligence? asked Justice Shah Krishan Chand had no reply

Dr Karunesh Shukla brother of Kamalesh Shukla one of the accused in the Baroda Dynamite Case was arrested simply because he happened to be the brother of the accused Dr Karunesh reader in Sanskrit in Gorakhpur University was arrested in September, 1976 and detained for five months The net of the Delhi Administration was so wide that it passed orders for the arrests of persons who were not in its bailiwick In the case of Dr *Shukla who was a resident of Gorakhpur* (UP) the Additional District Magistrate Virendra Singh signed the order of arrest under instructions from the District Magistrate

The crime that Dr Shukla committed was that he wrote a letter to the Lt Governor requesting the release of his brother In his letter he mentioned that his mother was ill The Delhi Administration however took it for granted that he had ' deliberately cancelled the violently agitational background of his brother

The justification Krishan Chand gave for the order of the arrest of Dr Shukla was that there was suspicion of his involvement in the dynamite case Om Mehta had told him not to take any risk in the case

Another case was that of Promila Lewis detained under MISA for alleged ext emist activities She was detained on the instructions of Mrs Gandhi Krishan Chand revealed that Mrs Gandhi was piqued because Lewis and another social worker Srilata Swaminathan had led an agitation in Mehrauli demanding minimum wages for the labourers employed at Mrs Gandhi s farm Krishan Chand revealed that Chawla conveyed the orders of Mrs Gandhi for the arrest of Promila Lewis and he had it confirmed from Mrs Gandhi

Krishan Chand said in reply to a question from Justice Shah that in the cases in which the PM s house was interested the orders were conveyed to him through Dhawan Chawla Om Mehta or Sanjay Such cases were referred to No 1 Safdarjung Road for instructions

Government Counsel P N Lekhi sarcastically remarked that Mrs Gandhi herself disregarded her own 20 Point Pro gramme because payment of minimum wages was one of them Lewis had to lead the labourers in Mrs Gandhi s farm in Mehrauli for minimum wages

S N Talwar a travel agent who was sick was not granted parole in spite of directive from Union Home Ministry He d ed in prison After his death an unsuccessful attempt was made to fabricate records to show that an order for his release was issued before his death As a dead man could not receive and sign on a copy of the order the authorities left it there

Krishan Chand revealed that he had earlier ordered the release of Talwar but he had to change it under instructions from the PM s house It was Dhawan who conveyed the ins tructions but Krishan Chand was given to understand that it came from Sanjay

Kanwar Lal Gupta a Jan Sangh leader was refused parole for a fortnight even though the Union Home Ministry recom mended it on purely compassionate grounds Krishan Chand was furious when he came to know that Gupta had filed a writ petition and the High Court ordered the grant of parole or converting detention to house arrest While rejecting the petition for parole Krishan Chand recorded It is beyond the jurisdiction of the High Court to go into the question of grant or rejec-

tion of a parole application Otherwise also the remarks of the High Court are unfortunate and we should consider the advisability of moving the Supreme Court for the expunction of the remarks and make sure that the Supreme Court gives a cate gorical ruling that the High Court should not impinge on the jurisdiction of Parliament which is implemented through the Administration

Later parole was granted on medical grounds and Om Mehta ordered to shift Gupta to his house

There were thousands of such cases Arbitrary arrest and detention were practised as a rule but it was more so in the grant of parole Students were not granted parole to appear for their examinations Sick persons were not granted parole to get proper medical attention In contrast smugglers got parole obviously under instructions from the Prime Minister s house Certain other detenus who were useful for the Prime Minister s house were also granted parole

Bal Ram Sharma who was detained under COFEPOSA for smuggling antiques remained in parole for most part of the detention period Krishan Chand revealed that Yashpal Kapoor took up the case of this detenu with Om Mehta on whose ins tructions parole was granted Chawla also admitted that Yashpal Kapoor rang him up to parole Sharma who was needed for some political work in Jammu Mehta also intervened in the matter and Sharma got parole on completely extraneous grounds

Some detenus were released or granted parole after they had undergone sterilization in jail Krishan Chand accused Chawla for implementing Family Planning in jails Chawla s version was that the decision was taken by the Lt Governor Chawla however admitted that he used to arrange the visits of Rukhsana Sultana to Tihar jail for the family planning drive

Jail authorities faced a real Emergency at that time Tihar Jail could accommodate 1 273 prisoners but on June 26 1975 itself the number of inmates was 2 669 In another five days five hundred political detenus were brought over Poor sanitary conditions stinking bathrooms and latrines no water

for bath poor medical facilities, poor diet and above all the pressure from above to give them hell inside a hell were the order of the day

Those who filed writ petitions were transferred to far away places putting the relatives of such detenus to virtual mental and physical torture

It was deposed before the Commission by the Jail Superintendent S K Batra that Navin Chawla ordered to lodge three detenus with lunatics One of them was P N Lekhi Government Counsel at the Commission

Details of the conditions in Jail created a stir in the Commission hall Lt Governor Krishan Chand and his Secretary Navin Chawla were at loggerheads when they tried to explain things before the Commission Chawla maintained that the Lt Governor had appointed him to be specially in charge of Tihar Jail during Emergency Why should I do that when there was the District Magistrate and all others Krishan Chand retorted

Chawla who was sitting in the section reserved for witnesses suddenly rose and asked his former boss rather agitated ' Why don't you tell the truth for a change Sir? The next clash was on Rukhsana Sultana Chawla had earlier testified that Rukhsana was a very frequent visitor to Raj Niwas and that she came mainly to see the Lt Governor But Krishan Chand said that ' she certainly used to come to Raj Niwas only to sit for hours with Chawla and spend a few minutes with him to talk about family planning She was on the motivation committee for family planning appointed at the instance of Sanjay Gandhi

Chawla again rose in his seat and asked What about all those dinners of yours with her?

But Krishan Chand and Chawla agreed on one point The condition in the Jail was terrible Chawla went ahead of his former boss to say that nobody cared a damn about conditions in the Jail

CLASH OF THE DYNASTIES—OLD AND NEW

The daughter of Jawaharlal had abolished the institution of dynastic kingship by statute In the process she hoped to remove from the face of the earth respected princely houses claiming descent from the sun and the moon Few had thought at that time that her underlying intention was to establish a new dynastic rule over India—the democratic socialistic dynasty of the Nehrus

Some members of the princely houses who had lost their royal prerogative had bounced back into the political arena This irritated the Indian Catherine In her anxiety to pave the way for a smooth succession to her son she wanted to eliminate all opposition Politically active members of the former princely houses thus became her targets in her effort to remove all opposition The Raj Matas of Jaipur and Gwalior were thus unfortunate victims of her wrath

They were detained and were treated like ordinary criminals On the day she was arrested and brought to the Tughlak Road Police Station in New Delhi the Jaipur Maharani was not allowed to inform anybody of her plight even though she was ailing at that time The Jail authorities were asked to treat Maharani Gayatri Devi and her son Col Bhawani Singh as security prisoners

Rajmatas of Jaipur and Gwalior appeared before the Commission as witnesses on November 14 1977 The two Maharanis were detained under COFEPOSA and kept in Tihar Jail under insanitary and inhuman conditions The maharanis turned politicians were thrown into condemned cells even though the authorities were asked to give them A class

The appearance of the Rajmatas before the Commission enlivened the premises As the royal martyrs entered the

Commission hall spreading the scent of exotic perfumes, the faces of thos- status conscious elite in the gallery lit up As Gayatri Devi known to be one of the ten most beautiful women in the world in her younger days cameras clicked off merrily and autograph hunters had a hectic day

'Political vendetta' might be one of the reasons for their arrest These wives of former maharajas were once accustom ed to regal life styles But once they came down to earth and became politicians, they had played their part p-rf-ctly When they went out to the villages to seek votes they were greeted humbly by their erstwhile subjects and welcomed with honey and milk

Mrs Gandhi wanted to blacken their characters and damage the reputation of their families As Gayatri Devi the former Maharani of Jaipur complained Mrs Gandhi was after ner because she had won the Lok Sabha elections in 1967 defeating the Congress candidate Mrs Gandhi was perhaps annoyed by the election victorv of the Maharani—she won with a majority of 1 75 000 votes over her nearest rival a record shattered by George Fernandes only in the recent polls

She told the Commission that she was treated like an ordinary criminal after her arrest She was lodged at Tihar Jail. The Jail authorities were asked to treat Gayatri Devi and her son Colonel Bhawani Singh who was arrested along with her as security prisoners Gayatri Devi was kept in C class in Tihar Jail and Bhawani Singh was in B class Gayatri D-vi was kept in the office room of the femal- ward It consisted of three barracks—a block of two cells meant for condemned prisoners and an office room The office room is adjacent to the condemned cells All these blocks are in the same compound The Jail Superintendent informed the Commission that when these two persons came there were no orders regarding the class to which they were to be allotted COFEPOSA detenus are generally lodged in C class

Vijay Raje Scinde the former Maharani of Gwalior who was arrested and detained in the Pachmarahi Jail was trans ferred to Tihar on her request for a change To her surprise she landed in a condemned cell She could however console-

herself for there was her neighbour, another Rajmata in the same predicament

Deposing before the Commission the Rajmatas described the environment of the female ward in Tiha- Jail where they had to live for many months among all sorts of convicts In the barracks and cells there were other prisoners who were kept for various kinds of offences ranging from vagrancy to murder and prostitution There was lack of sanitation, no fans no running water frequent power breakdowns mosquitoes and open drainage the former Rajmatas deposed Many women prisoners had children with them One woman gave birth to a child in a lavatory while another delivered a baby in a taxi on way to the hospital There were at least four lunatics among the women One always kept screaming while another had the habit of throwing bricks A third one was naked all the time

Gayatri Devi said ' The terrible inhuman conditions really bothered me The C class food supplied to them was unedible After a week even when she was allowed A class food it came from the B class mess Family members were allowed to send her food only after two weeks She sent many letters and representations which remained unanswered because rule of law had vanished from the land

Gayatri Devi told Justice Shah that being in Jail was bad enough but outside it was worse *After her release from* Jail she was kept under a sort of house arrest She was not allowed to meet friends After every two months she had to submit a bond for Rs 50 000 She also had to obtain permission to go from one place to another She felt that she was being treated like a criminal She also complained that she could not undergo an operation for gall bladder because that would have taken three months in hospital and rest whereas she had to submit a bond every two months

Col Bhawani Singh was put in the B class ward right from the beginning Jail authorities claimed to have given him facilities of A class in the matter of furniture food etc even though there was no A class ward in Central Jail He was released on parole on November 1 1975

The former Rajmata of Gwalior was kept in what was called ' fansi kothi —the condemned cell The Jail authorities magnanimously got the cell white washed and provided a window before she was brought there She said that the conditions at Pachmarhi Jail were much better than those in Tihar She never expected that she would be shifted to Tihar when she demanded a change She described the conditions in the female ward as very bad The food provided to the prisoners could not be eaten chapatis were at times used as fuel She also recalled how she had picked up quite a few abuses that she heard from the other women inmates every now and then

The Rajmatas had to complain to the Jail Superintendent about the behaviour of the other women prisoners A barbed wire fencing around the office room was put up and till then the Rajmatas were compelled to mingle with other women prisoners

The only difference was that they were lodged in separate rooms

Scinde had also complained to Justice Shah that her palace in Gwalior was raided and ransacked while her young daughter was forced to witness it all My young daughter did not know what to do and how to face the situation What was done to us and the manner in which it was done no civilised government would do to its citizens she added She also described as sordid the manner in which the authorities occupied her house in Rajpur Road in Delhi after throwing out the furniture and other things on a rainy day in August 1975 Political vendetta is evident in the occupation of her house because she had allowed one of her houses near Purana Quila in New Delhi to be used as the office of the Sangharsh Samithi She also mentioned how a safe was broken open in the house where her daughter in law lived

The Income Tax Department had searched the palaces of those former royal families It is nothing but natural to have found certain documents relating to foreign bank accounts, foreign currency and a letter or so from some associates in a

foreign country inviting one of them to that country and offering a cheque for two hundred dollars to cover travelling expenses

The late Maharaja of Jaipur had some Trusts in Britain which was transferred to his heirs They might have overlooked the formalities prescribed by the Reserve Bank of India or some other authority under the Ministry of Finance They might have also given false accounts to the authorities But this was no reason to justify the cruel way in which they were treated COFEPOSA and the like were at their disposal even before the Emergency What were they doing all the while? The Reserve Bank of India had knowledge about all the activities of the palace but the Government was unwilling to advise it as to what stand should be taken The unusual haste shown in the arrest and detention of Gayatri Devi Vijaya Raje Scinde and Col Bhawani Singh after the declaration of the Emergency had proved the fact that Mrs Gandhi acted only when it suited her own interests

Such a conclusion is drawn from many factors The officials of the Ministry of Finance revealed that none of them recommended the detentions of the Rajmatas and Col Bhawani Singh The Director of Enforcement admitted that the measures taken against Gayatri Devi were intended to compel her to bring her foreign holdings to India Director General of Revenue Intelligence and Investigation said that his impression was that those detentions were what the former Prime Minister wanted He had the impression that there was a sense of urgency about the detention of Gayatri Devi and Col Bhawani Singh The action against them was taken immediately after a meeting held in the room of the Minister for Revenue and Banking Pranab Kumar Mukherjee who can aptly be called Indira s Speer

The Director General of Banking and Revenue Intelligence admitted that the cases of those detenus were never brought to the Screening Committee The Minister used to approve continuance of their detention without any new facts

MADAME SOLICITS NAYAR'S (DIS) COMFORT

When internationally known veteran Journalist Kuldip Nayar was incarcerated in the Tihar Jail, Mrs Indira Gandhi appeared to be very much concerned and asked the District Magistrate to convey her inquiries to him in the jail Considering the unfeeling cruelty that had been the hall mark of all her activities this solicitousness can only be interpreted as a catty joke in tune with her feline nature

Nayar was arrested at the instance of Mrs Gandhi on July 25 1975 His detention followed a letter[1] he had written to

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[1] Dear Madam Prime Minister

I do not think that you are correct in saying that no pressman ever criticized J P or his call to the armed forces Leading newspapers have taken him to task for his observations I am sure some of those comments must have been put up to you

Similarly the allegation against the Press Council for not protesting against scurrilous writings is wrong As a member I can say that the ORGANISER has been reprimanded for the irresponsible article it wrote against you and your family The announcement of the judgement has got unfortunately delayed because of long cumbersome procedures

You will probably concede that the leading papers have given their unstinted support to the Government in its drive against communalism Their complaint is that the administration is soft towards communal elements The Press Council has also warned many papers for carrying communal and parochial writings

If newspapers have criticized the Government it is largely because of its sluggish administration and slow progress in performance If I may say so even when the Government has a

her protesting against press censorship Before that he had also got a resolution adopted at a meeting if more than a hundred journalists in Delhi on the same subject He aslo tried unsuc cessfully to persuade the Press Council of India to adopt a

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case it does not know how to put it across For example your letters on administration were never released odds and bits had to be picked up from here and there for publication

Madam it is always difficult for a newspaper to decide whether he should tell In the process of doing so he knows he runs the risk of annoying somebody somewhere In the case of the Government the tendency to hide and feel horrified once the truth is uncovered is greater than in an individual Somehow those who occupy high positions in administration labour under the belief that they and they alone know that what the nation should be told how and when And they get annoyed if any news which they do not like appears in print

But what is not realised is that such methods decrease the credibility of official assertions Even honest claims of the Government begin to be questioned In a democracy where faith stirs people s response the Government cannot afford to have even an iota of doubt raised about what it says or does

In a free society and you have repeatedly said after the Emergency that you have faith in such a concept the press has a duty to inform the public At times it is an unpleasant job but it has to be performed because a free society is founded on free information If the press were to publish only Government hand outs or official statements to which it has been reduced today who will pin point lapses deficiencies or mistakes?

I often read what Nehru told the All India Newspaper Editors Conference on December 3 1950 I have no doubt that even if the Government dislike the liberties taken by the press and consider them dangerous it is wrong to interfere with the freedom of the press By impossible restrictions you do not change anything You merely suppress the manifestation of certain things thereby causing the idea and the thought under lying them to spread further Therefore I would have a com pletely free press with all the dangers involved in the wrong use of that freedom than a suppressed or regulated press

similar resolution Nayar received a reply[1] to his letter twenty four hours before his arrest

After the declaration of Emergency a power-drunk Madam Gandhi observed What has happened to all the stalwarts in journalism? Not a single protest so far! This hurt Nayar

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The type of censorship which has been imposed today will kill initiative free enquiry and ultimately free thinking I am sure you do not want that to happen

With regards

Your sincerely
Kuldip Nayar

[1] The Prime Minister has received your letter of July 16 The very fact that all these nine and a half years she did not react even to the most false and vicious personal attacks on her shows the Prime Minister's own extra ordinary tolerance of criticism If censorship was introduced in the last few weeks it is not because of any personal or Governmental hyper sensitiveness but because certain newspapers had become part and parcel of the Opposition front When these parties had to be prevented from carrying out their plans to disrupt national life their principal organs of propaganda had also naturally to be restrained from stirring up trouble Restrictions on the press have indeed contributed to the situation being under control in the last few days Freedom of the press is part of the personal freedoms which in any country were temporarily abridged in times of national emergency

That apart the press as a whole has been remarkably ineffective in preventing abuse of press freedom whether it is scurrilous writing or spreading downright falsehoods You have cited a few random instances of how the Press Council and a few newspapers have tried Would you say their action has had impact?

As regards how much a newspaper man should tell which you have said is a difficult decision the Prime Minister would only say that not all of them have taken their decisions with responsibility or even respect for facts

Yours sincerely
H Y Sharada Prasad

He immediately went around all the newspaper offices urging them to protest against the denial of press freedom That was how the resolution against the censorship and his letter to the Prime Minister were moulded

Nayar revealed that he had known V C Shukla who used to shed tears on my shoulders when he was removed from Defence Production Ministry to the Planning Commission Shukla came to know of the resolution at the Press Club and rang up Nayar and asked for a copy of the love letter and the names of journalists who signed it Shukla also wanted Nayar to come over to our side

He was not prepared to yield to such sweet offers Nor did he know what was to follow Indira felt that Nayar was exerting too much by acting in a manner prejudicial to the maintenance of public order He had lent consistent support to the agitations by non CPI Opposition parties led by Jayaprakash Narain aimed at the overthrow of the legally and constitutionally established Government He has participated in considerable behind the scene activities in connection with this movement He had contacted Iman of Jama Masjid to solicit support for the Opposition moves He participated in a Working Committee meeting of the Congress (O) He remained in touch with unde ground leaders with a view to organising underground resistance movement against the Government of Mrs Gandhi All this must be tiring him Now he should take rest The MISA ambulance was waiting Gates of the Tihar hospital were opened wide for him And Mrs Gandhi used to convey inquiries What more can a citizen dream of?

Nayar of course had his own story to tell He described those charges as a tissue of lies The grounds cited by the authorities for his pleasure trip to Tihar Jail were all concocted all lies

Nayar told the Commission that the living conditions in Tihar Jail were miserable For the first few days he had to sleep either on the stone slab which served as a bed or on the floor Later he got a cot but it was too small for his frame. There was not enough water to take a bath For the ninety-three detenus in his ward there were only two dry latrines.

There were hordes of flies and mosquitoes Flies used to float on *dal* He was initially touchy about it but later on got used to it

Snakes were spotted in the neighbouring cell where the former Rajmatas of Jaipur and Gwalior were kept There were no electric bulb in their room The Rajmatas managed to inform Nayar about it He and some others resorted to a 24-hour hunger strike for compelling the authorities to provide electric bulb in the cell of the Rajmatas

Nayar described how he woke up early one morning to see his father in law Bhimsen Sachar walking into the Jail Behind him was a prisoner carrying a bedding and a suitcase Since he could not imagine a colleague of Jawaharlal Nehru being arrested he remonstrated with Sachar for taking the trouble to come to Jail just to see him Sachar let the impression prevail Nayar even thanked his farther in law for bringing him a bedding It was only when the other prisoners started murmuring that even venerable Gandhians were now being arrested that it dawned on him that Sachar had come to Tihar as an inmate

Nayar revealed a shocking practice of the Jail authorities The Delhi Police used to arrest teen aged boys from all over the city simply to use them as menial labour in the over crowded Jail He came to know of this from the Jail Warden who told him that whenever the Jail authorities were short of help they asked the Delhi Police to round up some boys to do odd jobs in the Jail

Nayar said that in one respect at least Mrs Gandhi s Government during Emergency practised socialism in jails every prisoner were treated equally badly irrespective of his status or station in life

Bharati Nayar wife of Kuldip Nayar filed a writ petition in the Delhi High Court on August 5 1975 challenging the detention of her husband The hearing of the case commenced on September 1 1975 and the judgement was reserved for September 10

The following day however the Authorities revoked the detention order and Nayar was released immediately This

was not clemency but they were afraid of their weak position in the case and knew that it would not be possible for them to defend it before the judges

Justices Rangarajan and Agarwal delivered their judgement in this case on September 15 even though Nayar had already been released The judges felt that the question was vital and a judgement was necessary We have endeavoured to indicate the availability of judicial review and also to indicate at least broadly at the same time the limits subject to which it would be available at some length on account of this question being so important What we have been at pains to explain is that the rule of law will not permit arbitrary executive action

Regarding the revocation of detention order on 11th September 1976 after the judgement had been reserved for September 10 the learned judges made the following observations

The action taken by the respondents after judgement was reserved in this case does no doubt accord with our view of the case the respondents were free to take the same kind of action even in the eventuality of our dismissing this petition putting it at the minimum level and without even making any endeavour to raise it to the level of any breach of pro priety it seems to us that at least after judgement was reserved by us courtesy to Court demanded that we were apprised about the intended action before it was actually taken

It was revealed before the Commission that the affidavit filed in the Delhi High Court by P Ghosh ADM who ordered Nayar s arrest was prepared by the Home Ministry and was given to him five minutes before the court started and I was asked to sign it

The District Magistrate Sushil Kumar said that the order to arrest Nayar came to him from the Prime Minister s house through Navin Chawla The Superintendent of Police who arrested him deposed that the grounds for the arrest of Nayar were prepared two or three days after his arrest These grounds were prepared on the basis of the information supplied to him by K S Bajwa S P (CID) Bajwa however denied having supplied any information about Nayar P S Bhinder

testified that he came to know of Nayar s arrest from K D Nayyar S P He had no hand in his arrest The only thing he did was to ask his officials to treat Kuldip Nayar with due courtesy because he was an eminent journalist

In this case also Krishan Chand 'merely acted on orders *from the super Prime Minister* Chand *said that* he was unhappy about the arrest of Nayar who was known to him, but Om Mehta told him that Mrs Gandhi was keen on his (Nayar s) arrest '

THEY WROTE A LETTER AND LANDED IN JAIL

Under cross examination about the arrest of veteran freedom fighter Bhim Sen Sachar and seven other leaders R K Dhawan Addl Private Secretary to Mrs Indira Gandhi tried to wash his hands off the entire episode The arrests were made because the octogenerian Sachar and others dared to write a letter to the Prime Minister criticizing her actions Dhawan tried to make out that the letter was intercepted by the Delhi Administration and that he had no hand in it He claimed that the letter reached him only later To establish the point he did not even hesitate to change the date of receipt of the letter from July 24 1975 to July 28 1975 and implicated several police officials in the process Senior officials like P S Bhinder the DIG (Range) and K S Bajwa the Superintendent of Police (CID) while deposing before the Commission tried to corroborate his story but utterly failed The victimised patriots wrote the letter with the spirit of responsible citizens under the impression that the Prime Minister would give due importance to them Unfortunately she took the letter as a direct challenge Naturally such matters were to be dealt with sternly

The case would have taken the turn desired by Dhawan but for the small receipt clipped to a sheaf of paper with a rusty clip establishing the age of the clip and the receipt kept by A B Bhardwaj and the signature of M M N Sharma a stenographer in the Prime Minister s Secretariat who received the letter written by Sachar and others

From the cross examination of Sushil Kumar the District Magistrate and Kishan Chand the Leiutenant Governor of Delhi it became clear that it was the handiwork of Dhawan and Sanjay Gandhi with the help of Bhinder and Bajwa The blessings of the Prime Minister being assured those patriots were arrested and jailed

The officials, no matter whether they were high or low, refused to apply their minds as was expected of them They acted like machines activated by buttons pushed by the Mother and the Son

The arrest and detention of Sachar and others for writing a letter to the Prime Minister could be termed only as the actions of an irrational dictator In no democracy had such things taken place The executive assumed such enormous powers under MISA that it could easily put any one behind the bars without ascribing any reason whatsoever What were the crimes committed by Sachar and the seven other freedom fighters? Sachar was in Jail for 35 days while others had to languish for several months Sachar once the Chief Minister of Punjab and the erstwhile Governor of Andhra Pradesh and Orissa and High Commissioner for India in Sri Lanka was arrested in August 1975 for writing a joint letter to Mrs Gandhi Others arrested were Sevak Ram, Chairman Delhi Branch of the Servants of the People s Society Vishnu Dutt Executive Secretary Citizens for Democracy K K Sinha Advocate Supreme Court S D Sharma of Indian Service Mission J K Sharma Head of the Philosophy Department Hans Raj College University of Delhi Kishan Lal Vaid Sarvodaya Worker and J R Sahni of Adhyatiana Sadhu Kendra All were around or above 60 years of age

In a letter sent to Mrs Gandhi on July 23 1975 those old leaders pleaded for freedom and dignity of the individual They did not have any political axe to grind nor did they seek any personal leverage They quoted Jawaharlal Nehru who used to say No one however great he may be should be above criticism They also cited Nehru s ideas on the freedom of the press Nehru had no doubt that even if the government dislikes the liberties taken by the press and considers them dangerous it is wrong to interfere with the freedom of the press The letter further said that it was Nehru who gave the memorable slogan when the British came down heavily upon us in the freedom struggle Freedom is in peril Defend it with all your might Had he been alive today the authors of the letter regretted he would have given us the slogan Democracy is in peril Defend it with all your might

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Sachar and others did not challenge Mrs Gandhi s right to arm herself with additional powers even when ample powers were already with her for handling any situation It would be an outrage on parliamentary democracy if even Parliament s proceedings could not be published uncensored

They no doubt illustrated the atmosphere of fear and political repression prevailing in the country and said that politically conscious citizens differing from your viewpoint prefer to observe a discreet silence which some of them keep afraid of the midnight knock at their doors They questioned the necessity of withholding names of arrested persons from the public and of denying facilities to their near and dear ones to meet them and arrange their legal defence if any such defence at all is possible in the midst of present ordinances

Quoting Jawaharlal Nehru again and again they asked Mrs Gandhi Must the monster of fear devour us again? Nehru held fear to be the enemy No 1 of India s destiny He also said it was against the fear pervasive oppressing and suppressing rule of the British that Gandhiji s quiet and determined voice rose to proclaim Be not afraid

When they felt that freedom was in peril and a fear psychosis overshadowed the country the authors of the letter responded to the call of freedom and proposed to advocate openly the right of public speech and public association and freedom to discuss the merits and demerits of the government The intention was not to embarrass authorities nor to cause any unnecessary stir They proposed to launch a movement from August 9 1976 to achieve this end As soon as the letter was received in the Prime Minister s Secretariat in the last week of July Dhawan initiated action to arrest the signatories clearly under instructions from the Prime Minister

Dhawan called the District Magistrate and P S Bhinder to Mrs Gandhi s residence and told them that she had directed that Bhim Sen Sachar and the seven others b detained under MISA Sanjay Gandhi was present when Dhawan ordered those officials

Sushil Kumar District Magistrate Delhi confessed that he was a li tle shaken because when he was working as a junior

officer in Andhra Pradesh Sachar was the Governor and he had been personally very kind to him

The District Magistrate contacted the Lieutenant Governor who in turn directed him to entrust the arrest to the concerned Additional District Magistrates Accordingly all of them were arrested within a week from July 25 1975 Sachar was arrested on the grounds which as recorded by the Additional District Magistrate stated that since the proclamation of Emergency he had been advocating that even during Emergency the people should have the right of public speech public association and freedom of the press It was claimed that Sachar along with others had also given wide publicity to his intention to discuss in public the merits and demerits of the Government arming it self with extraordinary powers He made specific mention of the fact that he would begin his campaign from August 9 1975 regardless of consequences

Vishnu Dutt Sevak Ram Sahni Sinha and S D Sharma were also detained on July 25 1975 on the same grounds J K Sharma and Kishan Chand Vaid were held under MISA on slightly different grounds J K Sharma was reported to have mobilised public opinion in his favour and incited the public to bring down the legally constituted government by resorting to violence and force Vaid was arrested because he was an active leader of Congress (0) He had been advocating the cause of Lok Sangharsh Samiti and Janata Morcha in the rural areas of Delhi and had been advocating the launching of a Bihar type Aandolan He had also called upon the people to join the proposed rally to be held at Delhi on March 6 1976 under the leadership of Jayaprakash Narain One of the reasons for his arrest was that he had been saying on a number of occasions during Emergency that the people should have the right of public speech and public association and freedom of the press

In all these cases of detentions the grounds of arrests were general and no specific particulars of date time and place in respect of the prejudicial activities were mentioned None of them except Vaid figured in the records of the Special Branch for their participation in unlawful activities In the case of Vaid participation in certain meetings way back in 1968 and 1969 were taken into consideration

The Magistrates who recorded the grounds of arrests have informed the Commission that the detentions were ordered under the specific directions of the District Magistrate who stated that it was the wish of the Prime Minister They stated to have also learned at the same time that these persons had written an open letter to the Prime Minister, and that it was the cause for their detention It was funny to note that the grounds were furnished after the detention orders were issued and that the orders were antedated

All the factors in respect of the arrest of the persons led to the conclusion that they were detained under MISA for having addressed an open letter to the Prime Minister

The arrests inflicted physical as well as mental agony on the aged persons Their transfer to a jail in Ambala was to add to their miseries causing great hardship to the family members of the detenus as they could not avail of the facility of weekly interviews without incurring sizable expenditure and undergoing strain of travel

Lalita Sachar wife of Bhim Sen Sachar filed a writ petition in the Delhi High Court on August 6 1975 challenging the detention of her husband As the Court felt the desirability of considering the question of the competence of the Court as to whether the detaining authority had adequate material to pass orders of detention the case was fixed for argument on September 1 1975 This was rather difficult for the Govern ment The demolition of the independence of the courts was yet to take its statutory shape Sachar was released on August 31 1975 on the basis of a decision taken by the Lieutenant Governor of Delhi Sevak Ram was also released on the same day

In spite of the fact that some of these detenus suffered severe heart attacks they were not released immediately In one instance the death of a detenu s father in law did not bear enough ground for granting him parole

The cases of the remaining detenus were reviewed mechanically and their imprisonment was extended till April 12

1976 On that day revocation orders in respect of the remaining five were issued

What has been told by some of the persons who were detained under MISA along with Sachar was nothing but a woeful tale of psychological torture of enlightened social workers What was worse was that all of them happened to be freedom fighters—now fought against a popularly elected leader turned dictator

Sevak Ram in his written statement to the Commission called the Emergency a sad and shameful period in the history of our country Citizens could not even write to the Prime Minister of this country expressing dissent He added that Mrs Gandhi was bent on striking terror in the hearts of people and making cowards of them all

In his statement J K Sharma said that his arrest and detention had all been a sad story The traumatic experience had left its mark on him He applied for parole when his wife met with an accident and became bed ridden But it was not granted When his father in law died he was released on parole only for four hours The members of his family who were to meet him were asked to go to Tihar Jail They reached the Jail only to be told that he was still at Ambala It was a cruel joke he said

Sinha who was a Congressman till 1969 said that what had happened during the Emergency was a sin against the generations to come According to him it would be criminal if we do not devise good and sufficient safeguards against the reincarnation of the evil forces He narrated the shameful story of how his family members were harassed His transfer to Ambala Jail' was cruel in the sense that his wife a chronic heart patient had to travel all the way to Ambala on several occasions to see him Once she suffered a heart attack when she met him in Jail and all that he could do was to pray for her In view of her illness she wrote a letter to Lieutenant Governor for the transfer of her husband to Delhi It was ignored The family was further harassed by disconnecting electricity and water supply to their house in Delhi

persons under MISA Bajwa tried to justify his action but Justice Shah asked him how could he justify the rearrest of persons who were bailed out by the court Bajwa contended that once a man was arrested the police had sufficient reason to rearrest him

Justice Shah How long have you been a police officer?

Bajwa Fifteen years

Justice Shah In the fifteen years of service you must have rearrested some people whom a court might have bailed out as it was entitled to

Bajwa No harm in watching their activities

Justice Shah Is it true that in a good number of cases (during Emergency) detenus released on bail were rearrested at the jail gate? What could be the activity they were guilty of indulging in between the prison cell and the jail door except possibly walking?

Bajwa It was a wrong thing if they were so rearrested

The DIG (Range) P S Bhinder denied that he was present at the Prime Minister s house along with the District Magistrate when R K Dhawan conveyed the directions of the Prime Minister to arrest Sachar and others As he continued to deny many of his actions Justice Shah reminded him of a letter written by him on July 30 1976 to the District Magistrate protesting against the release on bail of a detenu by an Additional District Magistrate When questioned about this Bhinder said that it was not a protest We were only expressing our difficulties

At the concluding session the counsel for the Commission Karl Khandalawala said that the detention of Bhimsen Sachar and seven others was ordered by Mrs Gandhi and they were detained on the satisfaction of the Prime Minister and not that of the ADM To cover up this there had been a concerted effort to show that Mrs Gandhi had not received the letter The attempt to show that a copy of this letter had been intercepted by the police was an afterthought a consequence of the Commission enquiring into the matter The examination of Krishan Chand Bhinder Dhawan and Sushil Kumar proved

it to be so The attempts to show that the letter had never reached the Prime Minister s house had failed Dhawan had tried to keep Mrs Gandhi s slate clean in this case Khandalawala described the whole exercise as an ugly picture an attempt to deny that the Prime Minister knew of the letter at the time when these persons were detained

After Khandalawala concluded Dhawan commented that Khandalawala had treated well those who were liars and had branded liars those who had spoken the truth

Government Counsel P N Lekhi said that Sachar and others had clearly written that we do not challenge your right to arm yourself with power He said in her letter to the Commission she had referred to the right to proclaim Emergency as in France In this context he pointed out that when *De Gaulle was asked to arrest Jean Paul Sartre he had said* "De Gaulle does not arrest France ' But did not Mrs Gandhi put the whole of India under arrest ?

MADAM GANDHI HOOKS A LAMB

If the wolf of the lore killed its prey for the sins of its father Indira Gandhi used her fangs to punish those who had hurt her during pre Emergenc days A typical case was that of Vaid Guru Dutt an 84-year old author who had more than two hundred titles to his credit His crime was that he had written something about Mrs Gandhi s election campaign He never dreamt that Mrs Gandhi will go back over the years to extend to him her hand of retribution He was sadly mistaken Her sleuths scanned over every inch of what he had written And when they got what they wanted poor Guru Dutt became another victim of the Madam s wrath

Mrs Gandhi ordered the detention of the old man The magistracy functioned according to the instruction of the police Guru Dutt was arrested on the night of November 22 1976 without any warrant as he was preparing to retire for the night He was taken to the police station on the pretext that some enquiries had to be made In the police station after about half an hour of questioning the Police told him that he was under arrest Next day he was produced before a magistrate at Tis Hazari (Delhi) The charges against him were that he had collected some people in front of his house and was trying to incite them telling that Mrs Gandhi had banned all the political parties and had arrested all their leaders and that the people were being forcibly sterilised The real charge how ver was that in the book Madhu, written in 1973 he had made certain derogatory references to Mrs Gandhi and the election system

In his deposition Guru Dutt said I was surprised at this charge I declared before the magistrate that this is a lie and uttered It is utterly false

His (Dutt) advocate argued here is a person who is 84

who is unable to walk properly, blind in one eye and is hard of hearing How can he hold a meeting in the street in the night? Moreover the Police has no witness to substantiate its charge The Police had no answer to the argument When the Magistrate asked about the background to the arrest the police official merely said '*Hum ko hukum mila hai ki inko Pakro*' (We have been asked to arrest him) The Magistrate however dared not give bail and Dutt was remanded up to November 30 1976 as a 'second class prisoner

On November 30 when he was presented before the Magistrate there was a complete change in the case The preventive detention order under Cr P C was withdrawn and MISA warrant was served

The author now 85 is a frail old man and has to be helped to walk At the Commission hall Justice Shah asked him not to mount the witness chair and for his brief testimony he occupied one of the chairs meant for counsel

The Magistrate A K Patandi who ordered the arrest testified that he failed to ascertain the facts behind the charges against the Author Unfortunately those were the circumstances prevailing then

Justice Shah On the visible evidence, it must have been clear that the old Author was not guilty of the charges And it was your duty to have released him forthwith on his surety

Patandi I would have done that but I had instructions to contact my superiors in such matters I failed (to do what I should have done) because of the atmosphere prevailing then We had forfeited our judicial role to the police I am ashamed to admit that But I admit it

The District Magistrate B K Goswami testified before the Commission that Patandi went to consult him because he (Patandi) was very much upset about the case He also broke down in my room and felt bad about having to detain the old author I was already rebuked for sticking my neck out too much Goswami added He approached the

Lt Governor to request him to show leniency to the old Author but he was asked virtually to ' shut up'

The Lt Governor, Krishan Chand cut a sorry figure before the Commission while deposing in the case relating to the arrest and detention of Guru Dutt He was powerless and was not acting on his own Krishan Chand said that Om Mehta was the power that ordered the arrest of the Author Justice Shah wanted to know whether Krishan Chand had at least verified that the man to be arrested was a celebrated Author and a very old man Krishan Chand replied in the negative

PLUNDERING THE PANDIT BROTHERS

P N Haksar will be described in history as the man who built the infrastructure for Indira Gandhi s transformation into an autocrat But once her aim was achieved and the country came under her thumb Haksar became dispensible It was at this unfortunate juncture that Haksar unwittingly incurred the wrath of Sanjay Gandhi by making some sarcastic remarks which were passed on to the rising son He was reported to have said that what Sanjay was doing was not good for the country and Delhi Sanjay decided to retaliate by hitting at Haksar s relatives That is how R N Haksar and K P Mushran partners of the reputed firm of Pandit Brothers became involved in high politics

Pandit Brothers was a Haksar family business of national reputation e tablished in 1927 P N Haksar s wife sister uncle and brother in law were partners Sanjay wove an inextricable web of intrigue to involve all the partners of this firm so as to take revenge His stooping down to such actions spoke of his ruthlessness It was revealed that all this was done with the full knowledge of Mrs Gandhi Because of her involvement she did not show any sign of anger or surprise on the arrest and release of the partners of Pandit Brothers If it were not to her know ledge Krishan Chand had said she would have shown anger, and at least asked What is all this nonsense?

Sanjay had asked R K Dhawan to inform Navin Chawla to conduct sales tax raids on shops in Connaught Place with instructions to take particular care of Pandit Brothers This call for special care for them was because they were very influential persons The raids were conducted But it did not satisfy Sanjay He ordered more drastic action

Virendar Prakash Commissioner of Sales Tax and Ashok Kapoor Officer on Special Duty Delhi Administration were

summoned by Navin Chawla on July 11 1975 Besides Navin Chawla and Krishan Chand P S Bhinder was present at Raj Niwas when these officers went there

Prakash revealed before the Commission that Pandit Brothers had not committed any serious offence under the Sales Tax Act But Navin Chawla had insisted that drastic action as directed by Sanjay had to be taken A raid on the Chandni Chowk branch of Pandit Brothers for checking Sales Tax evasions was planned but not executed Th moves to hook the firm changed from Sales Tax Act to Price Tag Regulations On *July 14 1975* S L Arora Additional District Magistrate raided the Pandit Brothers premises in Chandni Chowk A thorough check was conducted But no solid violation of the Regulations was found The ADM not knowing what to do pounced on stocks of goods in racks with price placards for each category This was allowed under the Price Tag Regulations But these stocks were brought down and an inventory was taken A case under DIR was registered against the firm Mathur the Manager of the shop in Chandni Chowk was arrested under the orders of Arora

On intimation of the details of the case P S Bhinder ordered the arrest of R N Haksar and K P Mushran On July 15 1975 Haksar and Mushran were picked up At the time of arrest Mushran was sick and bed ridden Their finger and palm prints were taken at the police station as if they were criminals and they were presented before the Metropolitan Magistrate that afternoon

Krishan Chand had stated The news of the arrest came to me as a surprise on the morning of July 15 1975 when some public men like Radha Raman Aruna Asaf Ali and Prem Sagar Gupta rang me up I was distressed since Pandit Brothers has been enjoying a very high reputation for clean business dealings. When I inquired from Chawla as to how these arrests had taken place he informed me that Sanjay Gandhi had ordered Bhinder to do so after the raid had taken place on July 14 The Prime Minister rang me up on Rax at about 11 a m telling me that *Aruna Asaf Ali had complained about the arrests and that I* should look into the matter I helped them as much as I could in getting them released on bail since from the beginning I wa

satisfied that they were innocent Later on I came to know that the real motive of harrassment of this firm was due to 'animus' which Sanjay Gandhi and maybe others in the Prime Minister s Household had against P N Haksar

To add to the insult in the evening on the same day a press note was issued about the raid and arrests of the proprietors of this firm The Director of Public Relations V K Tyagi had stated that the press release was dictated to him by Chawla who asked him to get the fact of the raid be confirmed from Bhinder and the Civil Supplies Commissioner S M Goyal before issuing it to the press Tyagi could get the facts confirmed only from Bhinder who said that the news item could be released to the press R K Khanna the Manager of Pandit Bros had stated that he was shocked to hear the news of the arrest of Mushran Haksar and Mathur by name in the 9 00 p m AIR news bulletin and in the 9 45 TV news This seemed to be unusual because the arrest of two respectable citizens was being given so much publicity While even the declaration of Emergency was repeat broadcast only for 24 hours the Pandit Brothers case was broadcast for 36 hours All this indicated that there was someone behind it and the whole thing had been done with ulterior motives S C Bhatt Director of News AIR intimated that the pool story concerning the raid on Pandit Brothers was placed in the pool at 9 p m and very likely it was broadcast in the 9 p m English bulletin on July 15 1975 Subsequently in the night pool which functions from 9 30 p m till 3 a m next day there were instructions that the news item "should be noticed prominently in all news bulletins but not headlined However the editor who issued the instructions is not in a position to recall from which source these instructions were received

Sanjay s net was very wide He ordered the I T Department through J C Luther the Commissioner *(Delhi)* to review the income tax assessments of Pandit Brothers Luther entrusted this work to R S Jawa Income Tax Officer and asked him to conduct a vigorous and proper investigation before finalising the assessments and was also told to take up this case exclusively leaving all other work Luther deposed that

the orders of Dhawan were taken by him as instructions coming from the Prime Minister

The assessment by the Income Tax Department followed a cruel and unilateral pattern A notice was issued to the firm on July 16 1975 by the ITO directing the firm to present the volum inous records relevant to the assessment year 1973 74 on July 22 1975 This in itself appeared to be extraordinary as in the course of assessment proceedings which had been going on in routine manner since March 1975 the firm was given notice on July 10 fixing July 22 1975 as date for further hearing Some thing had happened in between July 10 and 16 and change was made in respect of the assessment proceedings That was nothing but harrassment An ex parte order was passed by the ITO on September 30 1975 and delivered to them on the same day—again with a very short notice assessing them at Rs 9 33 181 against the returned income of Rs 4 43 313 imposing a tax of Rs 2 41 135 The partners were assessed separately on this enhanced income A notice was also issued to them as to why a penalty should not be imposed on them They approach ed the Delhi High Court but did not get any relief Finally the Supreme Court admitted their writ Subsequently the assessment proceedings for the same year 1973 74 were again taken up on and after due verification the trading results on the basis of which the income had earlier been enhanced were accepted and the enhanced income deleted

All this indiscriminate and cruel treatment was meted out to innocent people simply because they happened to be the relatives of a man who had often piqued an upstart of a politi cian Luther during his deposition before the Commission prov ed that he was a tool in the hands of this politician He believed that it would be good to keep in touch with people like Dhawan and naturally he knew he will have to submit to his wishes and orders After being a party to all these attrocities he stated before the Commission that no harassment had been caused to the assessee by the Income Tax Department which had acted with judicious restraint in avoiding any stringent and coercive action of the nature of search or raid operations Today Luther is the Commissioner of Income Tax Bombay (Central)

AMBIKA SONI ARRESTS A MAN

Friends of Sanjay Gandhi always behaved in a fashion best suited to them The arrest and detention of Virendra Kapoor a reporter of the Financial Express' was at the behest of Ambika Soni the President of the Youth Congress another emergency meteor She denied any hand in the arrest of Kapoor

The ground for his arrest was that he was caught while raising slogans and throwing copies of a memorandum addressed to the members of the Twenty First Commonwealth Parliamentary Conference held in Red Fort on November 1 1975 The real charge however was that Kapoor had earned the displeasure of Ambika Soni This was revealed by the Additional District Magistrate, P Ghosh who ordered the arrest

After his arrest he was taken to the Kotwali Police Station near Red Fort Next morning he was taken in handcuffs to the Tis Hazari courts The Magistrate refused him bail He was made to walk back in chains to the police station Later on he was sent to Tihar Jail From Tihar he was transferred to Bareilly

Kapoor had to perform like a hero in a two penny detective movie to inform his wife about his transfer from Tihar Jail While he was taken in a police van to the court he scribbled a note on the back of a cigarette packet and threw it out of the window grill towards a scooterist passing by Fortunately the scooter rider saw the message rang up Coomi Kapoor and passed on the message About the Bareilly Central Jail Kapoor said For the first month in Bareilly I, as well as three other detenus from Delhi was kept in solitary confinement in tiny cells When we objected the officials ordered us to be put into leg irons However the Jailer, a decent man took it on himself not to do so The Bareilly Jail authorities kept insisting tnat we must have had so n conn c

tion with the March jail break in D lhi (which was by a criminal gang) and put us through much humiliation including giving us C class food From the prolonged stress of solitary confinement and lack of proper food (you may imagine the stress when I point out that all through this period a man would come every four hours to my cell to shout out my name and make sure I responded to ensure that I had not hanged myself) I developed acute low blood pressure '

Coomi Kapoor wife of Kapoor rushed to the Kotwali Police station when she came to know of the arrest of her husband She told the Commission that the police told her that it was the members of public who handed over Kapoor to the police She said I lost my temper and shouted that before they acted illegally they should remember that the Emergency would not last for ever This annoyed the police and she was asked to leave the police station

Coomi said that when her husband was shifted to Bareilly life became miserable for her The strain of the visits and the expense involved were unbearable She applied for the parole of her husband to enable him to see his ailing father in law who was to leave for America for treatment The parole was denied She came to know that the Central Home Ministry had asked the Delhi Administration to release her husband but heard nothing about it for a long time Then Kewal Verma Bureau Chief of Business Standard informed her that he came to know that the Delhi Administration had no plan to release Kapoor despite the orders of the Home Ministry Verma suggested to her to meet Navin Chawla immediately She met Chawla after great difficulty and explained to him of the circumstances of the arrest of her husband Chawla was very responsive He said Ambika Soni was a dear friend of his and he would find out her version He suddenly asked his Secretary to connect him to Soni On telephone he asked Ambi can we meet at the Oberoi Maidens for lunch? The meeting was fixed up for the next day Coomi met Chawla again after two weeks She was told that Chawla was convinced that Kapoor was not involved in the November I

incident The police appeared to have over reacted and he said he had scolded Soni for her behaviour

Some weeks later Kapoor was released on parole The detention orders were revoked some three months after that He had been in jail for nine months

Chawla told the Commission that after Coomi Kapoor had talked to him he brought to the Lt Governor s notice that it was miscarriage of justice ' But actually what he did was to sit upon it for one month and nine days the file in which the release of Kapoor had been recommended

The Government Counsel P N Lekhi pointed out that Kapoor was the brother in law of Prof Subramaniam Swamy the hero of the underground during the Emergency and that it might have something to do with the delay in granting parole to Kapoor

DHAWAN STRIKES TELEPHONICALLY

This is the case of an advocate who unfortunately happened to be another victim of the Emergency The advocate S N Sharma and his wife were arrested under MISA on the basis of a telephonic message from Dhawan just a stenographer in his own words, to the former Prime Minister

The former Chief Minister of Rajasthan Harideo Joshi the Chief Secretary of Rajasthan Mohan Mukherjee and many others revealed before the Commission how Sharma was arrested under MISA and his wife was thrown out of service and how an enquiry was conducted against a police official and another senior officer was sent on leave all on the basis of a telephonic message from Dhawan The former Chief Minister and the Chief Secretary of Rajasthan had acted with amazing speed in the execution of these orders only to satisfy the Prime Minister s household

The Chief Secretary of Rajasthan had given a mathematical equation to explain his ideology of power structure at the centre For him Dhawan s orders were those of the Prime Minister and the Prime Minister was the Government of India In short Mukherjee considered Dhawan as the Government of India during Emergency This very official had the cheeck to tell Justice Shah that it was not possible every time to go by the process of law

Whatever be the charges the actual crime committed by the advocate and his wife was that they annoyed their landlord, who had some approach to the Prime Minister s house As a result Harideo Joshi received a telephone message from *Dhawan on August 20 1975 ordering action to be taken against* the Sharmas for alleged association with the Anand Marg Action was also to be taken against R N Gaur Additional

Superintendant of Police Jaipur for not taking timely action against alleged burning of the papers by the Sharmas connected with their Anand Marg activities

The District Magistrate of Jaipur ordered Sharma to be detained under MISA on August 20 1975 itself Concerned records revealed unusual haste in action to complete the formalities of his arrest On the day of his arrest the Station House Officer Ashok Nagar Police Station in Jaipur sent a letter to the Deputy Superintendent of Police Jaipur to the effect that advocate Sharma had close connections with Anand Marg and that his activities posed a threat to the internal security of the country The Governmental machinery had concocted a case with great speed to punish an individual That it was done to help another individual was evident from the procedure followed by the police The recommendation of the Station House Officer for the detention of Sharma was endorsed by the Deputy Superintendent of Police Jaipur and then sent to the Magistrate through the Deputy Superintendent and the Superintendent of Police The Magistrate issued the orders and the arrests were made All this took place in a single day!

While this hasty and unusually speedy action was taken against a reputed advocate the matter was still under consideration of the Ministry of Home Affairs at the Centre It is revealed from the files of the Ministry of Home Affairs and from the office of the State Government that in August 1975 that the Central Home Ministry had forwarded a list of activists of the banned Anand Marg to the Rajasthan Government for making efforts to arrest those who were still at large The name of S N Sharma was in the list On receipt of the list the Home Commissioner in the State Government sought the comments of the Inspector General of Police Rajasthan on August 19 1975

This being the case Dhawan s instructions to the Chief Minister on August 20 1975 appears to be strange

Chandravathy Sharma wife of S N Sharma was working as an assistant teacher in a Government School in Jaipur

She was removed from service for her 'association with an organization declared illegal Her services were terminated on August 23 1975 But her name did not figure in the list sent by the Central Government

Regarding the enquiry against R N Gour the Additional Superintendent of Police Jaipur it was revealed that Dr (Miss) Pushpa Khanna who was a tenant in the building where the Sharmas lived had informed the police that the Sharmas were to burn certain secret papers connected with the Anand Marg at their residence The enquiries revealed that there was no delay on the part of Gour in visiting the house of Dr Khanna and hence no action was considered necessary against the Additional Superintendent of Police Dr Khanna wanted Sharmas to be evicted from the house in which they were staying Professor Gupta the landlord was on the side of Dr Khanna So he approached the Prime Minister s house Dhawan took up the case with the State Chief Minister However when the police officer visited the house where the records of Anand Marg would have been burnt by the Sharmas he was given some loose pages from a diary Most of the pages were blank Certain pages contained some spiritual material and there was no sign of papers having been burnt

Dr Khanna also failed to produce her servant who had been a witness to the event and also failed to show the place where the burning took place But one thing is clear—the Sharmas had chosen a wrong landlord Beware of landlords who are highly connected!

MIGHTY MANEKA CATCHES A MOUSE

As even a dog in the Prime Minister s house enjoyed the thorough protection of the Delhi Police no wonder that not only Sanjay Gandhi but also his wife Maneka Gandhi received this kind of VIP treatment The Delhi Police with P S Bhinder as its *de facto chief* was more royal than the king

Maneka s irritation led to the arrest of an innocent student of the Jawaharlal Nehru University He languished in jail for unknown reasons Maneka s fancy for German language turned out to be a curse on Pravir Purkayastha a Ph D student of the JNU

All this began on the day when JNU students boycotted classes in protest against the expulsion of a student of the University A student leader Devi Prasad Tripathi asked Maneka to join the protesting students She went back home and asked her husband to see that drastic action was taken against the boy who dared to talk to her Sanjay immediately asked Bhinder to do the needful Bhinder did not waste time From the Prime Minister s house he straightaway went to the University Superintendent of Police Rajendra Mohan Dy SP T R Anand and a few other policemen were asked to accompany him Bhinder came to the University in a black car probably one from the fleet of Prime Minister s Inside the campus they could not identify Tripathi but Bhinder was not prepared to return empty handed He wanted to report execution to his master They caught hold of Purkayastha and dragged him to the car and drove away It was nothing short of a kidnapping The boy who was caught unawares struggled to free himself Some students also went to his rescue But other policemen also joined the struggle and pushed the student into the car Bhinder who was at the wheels of the black car suddenly drove the car away with the legs of the student dangling out of the

open door of the car Anand who caught hold of Purkayastha was outside the car when it moved but Bhinder suddenly stopped the car and policemen came out with drawn revolvers to help their colleague The students stayed back helplessly when one among them was being whisked away to the police station In those days a man taken to the police station rarely saw light for many coming months Purkayastha was also served with a MISA warrant The poor boy who left the position of a probationary officer in a nationalised bank for the sake of his studies had to languish in jail for about a year He was in the University for only 20 days He did not raise any slogans He was sitting along with two girl stud-nts on the lawns in front of the School of Languages in the University campus where Tripathi sat a few minutes earlier Bhinder could not believe *Purkayastha when he was told that Tripathi had gone elsewhere*

Once in the jail his detention was automatically extended every four months That was the practice in those days The Lt Governor blindly signed the extension orders The orders of the Home Minister Brahmananda Reddy to release the student was overruled by the Super H M Om Mehta

This was the gold mine from the University and no one was prepared to part with it even when they came to know that Purkayastha was arrested on mistaken identity The Home Secretary S L Khurana raised the alarm It is becoming almost impossible to transact business with the Delhi Administration

Before the Commission Bhinder denied that the arrest of Purkayastha was of mistaken identity He maintained that the arrest was ordered by Krishan Chand But depositions of Mohan and Anand the two police officials who were with Bhinder for the gold mine search told the Commission that they had taken the student into custody at the instance of Bhinder The grounds for his detention under MISA were supplied to the Police by the CID in an unsigned paper

The Additional District Magistrate P Ghosh who completed the formality of issuing orders to arrest the student was also hard put to answer the questions of Justice Shah Ghosh was

asked why had he, while knowing the full facts of the case, issued those orders His reply was I was asked to do so by my DM 'So you were willing to sign an order which was false and no part of which was true' asked Justice Shah The answer was Sir in those days these orders were issued not on the subjective satisfaction of the ADM and added that the grounds of detention supplied were irrelevant they were a mere formality

Purkayastha disclosed that he was not granted parole to attend a *viva voce* examination when he applied for it Instead he was shifted to Naini jail and kept in solitary confinement He was asked to take the test in jail itself Purkayastha told the Commission that his arrest was a case of mistaken identity It could have also been the result of their action in stopping Maneka from going into the classes when all the other students boycott d classes The boycott was to protest against the expulsion of Ashok Lata Jain a girl student who was an elected member of the Students Union

A Ph D student from the University Shakti Kak told the Commission that she was among the students sitting with Purkayastha when he was whisked away by the Police She testified that Bhinder himself was driving the black car

Another student Indrani Majumdar who repudiated the story of Bhinder about the arrest called him 'a liar She said nobody was shouting slogans and there was no chance for that during Emergency She also said that Maneka had come to the University on that day in a black car

The officials who arrested Purkayastha were well aware that it was a case of mistaken identity but no one dared to release him as the orders for his arrest came from the Prime Minister's house

SCALES OF (IN) JUSTICE

Lord Denning has described as those evil days the Stuart period when the kings tried to make valets of their judges Resentment against the subversion of the judiciary was one of the reasons for the downfall of the Stuarts The Statute of the writ had its origin in those tumultuous days History repeated itself in India this time as the dowager Gandhi tried to weaken a judicial system which had earned the respect of the world

During the Emergency the Judges of the High Courts and Supreme Court came under the wrath of the Executive Judges were superseded reverted removed transferred threatened and lured to toe the official line This perhaps was one of the reasons for Mrs Indira Gandhi and her caucus to be completely overthrown by the people

While deposing before the Commission H R Gokhale the Minister of Law and Justice blamed Mrs Gandhi for her acts of omissions and commissions According to Gokhale the atrocities committed during the Emergency were only simple mistakes of omissions and commissions But in fact the judiciary went through ordeals to maintain its position as the arbiter of justice within the country and their efforts were not in vain though Mrs Gandhi tried to reduce it to the level of a tool to achieve her ends

Two cases were presented before the Commission—the cases of Justice R N Aggarwal of the Delhi High Court and of Justice U R Lalit of the Bombay High Court But there were many other judges who too had earned Indira s displeasure for not falling in line with her policies Justice Rangarajan along with Justice R N Aggarwal heard the case of Padma Desai (daughter in law of Morarji Desai) and gave the order Secret Executive Orders could not supersede the law which had to be publically known and struck down the clauses

of interviews and correspondence from MISA Immediately afterwards the case of Bharati Nayar wife of Kuldip Nayar came before the court contending that the very detention order was bad in law However before the judgement was given Kuldip Nayar was released By these judgements they laid down two important principles viz the detenu should have basic rights and that the Emergency did not give a free hand to the Executive As a consequence Justice Rangarajan was transferred to the Assam High Court and Justice Aggarwal was reverted as a District and Sessions Judge

Justice J R Vimadalal of Bombay High Court along with Justice P S Shah struck down the Maharashtra Conditions of Detention Order In their judgements they said detenu is not a convict and the power to detain is not a power to punish Justice Vimadalal was transferred to Hyderabad

Justice Sheth of the Gujarat High Court gave the judgement on the Bhoomiputra case creating a stir by striking down the censorship order (The judgement itself was censored[1]) Justice Sheth was transferred to Hyderabad Though

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1 Written instructions from Censor s office were given to correspondents in Delhi on what they should hide A glance at these files will show how the executive was afraid to let the people know what the judges and advocates think

October 29 1975 Delhi High Court judgement striking down administration s order restricting interviews with MISA detenus not to be published

October 30 : No report on Justice Khanna s judgement on Bombay appeal case

February 3 1976 Report on Tulmohan Ram case not to be published

March 29 No report or pictures of the Junior Unregistered Lawyer Procession

April 13 In law court reports nothing should be published which infringes censorship

May 14 Story on Sarkaria Commission to be censored

his appeal against the transfer b fore th- thre- judg b nch in the High Court was admitted the case was lost in th Suprem- Court

The case of Justice P M Mukhi was tragic He had given judgement on the custodian of enemy prop-rty case It irked the authorities too much So he was transferred to Calcutta Being a heart patient he requested reconsideration of his cas- but he received a curt reply saying that adequate m dical facilities could also be had at Calcutta Unfortunately he had a stroke to which he succumbed

Justice Beg in his judgement on the Habeas Corpus Case observed Furthermore we understand that th- care and concern bestowed by the State authorities upon the w lfare of detenus who are well hous-d and w-ll treated is almost paternal Even parents have to take appropriate preventive action against those children who may threaten to burn down the house that they live in

Justice Chandrachud agre d with Justices Ray Beg and Bhagavati that Hab as Corpus has no place in the Emerg-ncy But he recorded that the decision of the Supreme Court does not prevent th- court from granting relief other than release from prison to the detenus But the lat-r judgement on the specific issue of amenities which cam before Justic-s B g

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June 1 No news about the transfer of High Court Judges

July 17 Story on the Delhi High Court order on The Statesman case today banned

September 4 News or comment from Ram Jethmalani President of Bar Council now in USA not to be us-d

September 20 Supreme Court proce dings on writ petitions filed by the Late Nagi Reddy Ex MLA of Andhra Pradesh against the Chief Minister not to be used

October 4 Fernandes statement in the court not to be used

November 4 Any news on Gujarat High Court Judges to be pre censored

January 10 News reports regarding the Judgement in the Dalmia Jain Airways case not to be used

and Jaswant Singh eliminated this possibility altogether

Courts thus completely ceased to protect the citizens from executive wrongs in the matter of personal liberty and shattered the hopes of the citizens of this country It is not known how Justice Beg came to know that the detenus were well housed and well treated

Justice U R Lalit was appointed Additional Judge of the Bombay High Court for two years from January 17 1974 Since his term was to expire on January 1976 the Chief Justice of the Bombay High Court had recommended that Justice Lalit should be appointed Additional Judge for two more years The Governor and the Chief Minister of Maharashtra endorsed the proposal Justice Lalit was to be appointed an Additional Judge against the post he was already holding The file was put up to the Chief Justice of India and he agreed to the proposal on November 25 1975

Despite all this Justice Lalit never got an extension by Mrs Gandhi He ceased to function as the Additional Judge of the Bombay High Court from January 17 1976 However the reason for the refusal to reappoint Justice Lalit was never clarified by the Prime Minister

While deposing before the Commission S L Khurana Home Secretary said that the Joint Secretary to the Prime Minister called him to tell that the Prime Minister was not in favour of appointing Justice Lalit On the basis of this telephone call the proposal for the appointment of Justice Lalit was rejected She probably hoped that this would work as effective blackmail Those who were ready to accept her will were rewarded and those who irritated her were sacked

Justice R N Aggarwal a member of the Delhi Judicial Service was reappointed an Additional Judge of the Delhi High Court for a period of two years on March 7 1972 On completion of this period he was further appointed for a period of another two years Subsequently the Chief Justice of High Court Delhi recommended his permanent absorption after August 13 1975 when Justice Jagjit Singh was to retire But the recommendation was rejected by the Central Government This was due to political vendetta arising from

his judgements in the cases of Kuldip Nayar and Padma Desai. Gokhale in his deposition stated Mrs Gandhi did not tell me the reasons for her decisions But her decisions were contrary to the recommendations made by him concerning the judges

When Justice Shah asked Khurana as to how Justice Aggarwal was fit to be a Sessions Judge with vast power' and not a judge of the High Court he (Khurana) said that we did not go into the matter

Something had been cooked up against these two S N Mathur Director of the Intelligence Bureau was examined in camera but nothing is known yet about the charges

From the depositions of the Minister of Law and the Home Secretary it was clear that the refusal of extension of the term for Justice Lalit and rejection of the appointment of Justice Aggarwal as a permanent judge were purely on political grounds During Emergency Mrs Gandhi proved to be as blind as a bulldozer She wanted total obedience whether judge or criminal woe befell the ones who dared oppose her

BANGING THE BANKS

Were the Emergency appointments to the posts of Chairman of the Punjab National Bank and the State Bank of India and of the Governor of the Reserve Bank of India made on extraneous considerations? These appointments were either approved by Mrs Gandhi or had blessings of the Prime Minister s house

The Finance Minister in Mrs Gandhi s Cabinet C Subramaniam told the Commission that she had insisted on the appointment of K R Puri who was only a graduate as Governor of the Reserve Bank of India and it was she who suggested the name of T R Tuli for the post of Chairman of the Punjab National Bank Tuli was just a matriculate

The controversial appointment of the Governor of the Reserve Bank of India (RBI) was done in 1975 when S Jagannathan was to be relieved for another assignment Secreatry in the Department of Banking N C Sengupta was appointed for three months to enable the Government to select Jagannathan s successor

Mrs Gandhi and Subramaniam had a difference of opinon about the appointment of the Governor of the Reserve Bank Subramaniam sugg sted a number of persons experienced in the fields of banking and finance but Mrs Gandhi insisted on the appointment of K K Puri who was Chairman of the Life Insurance Corporation of India Subramaniam felt that Puri was only a graduate and lacked adequate academic background and his experience has been in a very limited area of specialisation unconnected with banking and finance The Governor of the Reserve Bank should be a person capable of providing lead rship in all these areas He will have to participate in many international conferences of financial and banking experts and also in the meetings of the international financial and banking institutions

These arguments were useless A day previous to the expiry of the term of Sengupta Government moved in a great hurry and Puri was appointed The Appointments Committee of the Cabinet (ACC) which in the normal course should have been consulted in advance was kept informed

A person whom the Finance Minister considered unfit for the post of the Governor of Reserve Bank was foisted into the chair without the prior approval of the ACC

In the second case the appointment of T R Tuli as Chairman of the Punjab National Bank (PNB) was done against the advice of the Reserve Bank of India The RBI recommended that O P Gupta Deputy General Manager of the PNB be considered seriously

The Government however had decided to appoint Tuli The RBI was approached informally They sent a report There was actually no recommendation He is a matriculate However he has done very good work in the New Bank Whether he would do equally well when he goes to a far bigger bank with a regular heirarchy is a matter for consideration He looks fit for the new assignment but he will necessarily have to adapt himself to a greater degree of decentralisation and delegation than to what he has been accustomed so far in his personally run bank

In this case also it was decided not to consult the ACC in advance It was informed

In the same way the appointment of T R Varadachari as Chairman of the State Bank of India was also done after subverting proper procedures Varadachari had the blessings of Sanjay Gandhi That was enough

The Minister of State for Revenue and Banking in Mrs Gandhi s Government Pranab Kumar Mukherjee told the Commission that I was the appointing authority There was no question of my asking him or any body to meet Sanjay Gandhi It was however revealed that Varadachari visited Sanjay frequently

The Commission counsel Karl Khandalawala argued that

the evidence of Mukherjee in this regard seemed to be false and there was a very strong inference against Mukherjee

The Government counsel P N Lekhi also said that the RBI was not consulted in the appointment of Varadachari because he had the blessings of Sanjay Mukherjee was the king pin playing the role of bringing before Sanjay persons who would act at his behest

Whether these appointments had any connection with the financial assistance to Maruti and National Herald?

When Tuli took over as Chairman of the PNB Maruti had a total loan of Rs 90 lakhs The cash credit accounts for it were irregular since 1974 The bank had been asking the company from time to time to regularize its accounts As it had been the normal practice the bank charged penal interest on the irregular accounts

However in October 1976 the PNB approved the refund of the penal interest amounting to Rs 67 272 17 already charged on the account and it was waived for the future The rate of interest on the loan was also reduced from 15½% to 14% The concession of 1½% in interest allowed to Maruti from October 1 1976 to March 31 1977 amounted to Rs 70 347 65

The company failed to keep up its commitment to pay the instalments from the month of April 1977 Therefore the refund allowed earlier had been recovered in May 1977 The facility of the concessional interest rate was also withdrawn on the same day

Similarly Tuli granted a clean loan to the Associated Journals Ltd publishers of the National Herald Here Tuli got inspiration from P C Sethi who was Minister for Chemicals and Fertilizers Sethi made the request as a Congressman since the paper was connected with Jawaharlal Nehru A loan of Rs 8 30 lakhs was made available to the publishers against a proposed mortgage of Herald House in New Delhi The mortgage however did not take place An amount of Rs 10 000 only could be recovered from out of Rs 8 30 lakhs

Khardalawala while arguing the case before the Commission stated that it was highly reprehensible on the part of Tuli to kunckle under political pressure

Unqualified people of questionable antecedents rose to dizzying heights during the Indira Sanjay rule But they were pliable

TAIL BECOMES DTC'S HEAD

The period of Emergency saw the spectacular rise and sudden fall of officials in Delhi and elsewhere The Delhi Transport Corporation had played an important role in enhancing the quantum of public support enjoyed by Mrs Gandhi immediately before and after the declaration of Emergency It would not have been easy to arrange such spontaneous demonstrations of public support without the moving help of the Delhi Transport Corporation It was but natural for Mrs Gandhi to keep a very pliable man at the head of this prime mover

An official much junior to many who were already working in the Corporation was appointed as the Chairman of the Delhi Transport Corporation bypassing all rules and procedures laid down by the Government Mrs Gandhi had herself found the man U S Srivastav suitable for the post The post of Chairman in the Delhi Transport Corporation was of the rank of Joint Secretary Srivastuv who was only of the rank of a director was appointed on the recommendations of the Lieutenant Governor The normal procedure of appointment was for the Delhi Transport Corporation to consult the Public Enterprises Selection Board (PSEB) after the Ministry itself had considered the ability and qualifications of a person for holding such a post This case was neither properly processed in the Ministry nor was the PESB consulted G S Dhillon, the Transport Minister himself was annoyed and protested against the circuiting procedure adopted by the Delhi Administration under Krishan Chand The appointment was made in a hurried manner when the Minister was on tour and the notification of the appointment was issued a day before his return Dhillon in his letter to Mrs Gandhi wrote that he was not aware of the reasons for this kind of urgency I have

been unable to appreciate the manner in which the Lt Governor mooted the proposal and obtained your clearance I wish I was taken into confidence on this matter directly

The Secretary in the Union Ministry of Transport also recorded that it was not clear whether the appointment was sought to be made permanently or temporarily and it was on record that Srivastav was not eligible for this post as the scale proposed was Rs 2500 3000 and that many other officials in Delhi Transport Corporation were senior to him When the case was referred to the Home Minister he had recorded his no objection' except for the fact that he seems to be only of the Director s rank But it was left to the Prime Minister to decide The Prime Minister certified that Srivastav had long experience in transport and should therefore be appointed

About granting senior pay scale to Srivastav again the rules and regulations were flouted and undue favours given to him Mrs Gandhi s note of February 5 1977 gives enough proof of undue favours She found Srivastav eminently suitable for the post of Chairman Delhi Transport Corporation in view of his experience in transport The question of his suitability to hold a Joint Secretary level post b came irrelevant in determining his pay scale He was therefore given the pay scale of Rs 2500 3000 from the date he took over as Chairman DTC without being approved by the PESB He was not even approved for holding the post of Joint Secretary in Government of India

Srivastav in his high position had a free hand in the administration of the DTC His ability and capacity to get things done in the Sanjay style were given wide publicity He now started manipulating the entire scene and started complaining against senior officials of the DTC particularly against Abdul Bari who was General Manager of the DTC and was much senior to him Srivastav in a letter to the Secretary in the Ministry of Transport had made certain allegations against Bari in loose language referring to Bari s communication with certain political elements' which were anti Congress

However in his deposition before the Commission, he pleaded that his reference to political parties and election performances etc mentioned in his letter was connected only with the performance and functioning of the officials of the DTC during the election time He also stated that he was not 'admonished by the Ministry of Transport for his letter

Because of incidents like this the integrity of the Civil Servants had been completely demolished and their efficiency became insignificant leading to the demoralisation of the civil service structure

HOW TO TAME A BUREAUCRAT

Mrs Indira Gandhi did not want civil servants to play their proper role On the other hand they were forced to do what she ordered Very often Sanjay Gandhi also interfered in their working Civil servants were harassed when they did not do as they were told A typical case was that of Mangal Behari

Mangal Behari a senior IAS Officer in the Government of Rajasthan, was a victim of Emergency He happened to be the Chairman of the Rajasthan State Electricity Board (RSEB) at that time During the thirteen Judas days from the Allahabad High Court judgement to the declaration of Emergency Delhi witnessed a number of rallies in support of Mrs Gandhi The Chief Minis ers of the neighbouring States like Haryana Rajas than and Uttar Pradesh were instrumental in bringing the human flood' to Delhi to demonstrate the popular base of Mrs Gandhi

It was however revealed before the Commission how spon taneous the spontaneous rallies really were Behari and others helped to bring out the truth Truck loads of Govern ment servants from various parts of Rajasthan were brought to Delhi in Government vehicles at Government s cost The esti mate is that about forty to fifty thousand people from Rajasthan attended the big rally in D lhi on June 20 1975 The ex penditure on gathering the huge crowd from Rajasthan was equally big

Behari as Chairman of the Rajasthan State Road Trans port Corporation (SRTC) refused to supply buses and send SRTC employees to the Congress rally against JP s movement in March 1975

In June 1975 as Chairman of the RSEB he refused the free use of 100 trucks and participation of 10 000 workers of the

Corporation for a rally in Delhi on June 20 1975 He had ordered the realisation of charges at normal rates for the trucks used for the rally in Delhi He also refused to exempt the exhibition organised by the wife of Yashpal Kapoor in Jaipur from paying electricity charges

Behari had thus earned the wrath of the Congress leadership and of Yashpal Kapoor in particular Higher authorities rushed instructions to the State administration to teach him a lesson for his unwarranted integrity Dhawan s telephonic orders of August 20 1975 included the action to be taken against Mangal Behari the adamant [1]

Even though Dhawan had instructed Harideo Joshi to relieve Behari from service Joshi had asked him only to proceed on leave While the unusually hasty action against the senior official was being taken the Home Ministry at the Centre was still considering the case regarding his association with the Anand Marg The correspondence in this connection in the Ministry revealed that even though Behari had some connections with the Marg there was nothing to prove him guilty of an offence after 1970 when even according to records he had severed all the connections with that organisation The reports of the Central Bureau of Investigation the Intelligence Bureau the Home Ministry and the State Government with very little difference in their contents had sugguested that Behari had no active association with the Anand Marg after 1971 It was also on record that one of the important Avdhoots Satyavratanand who was a MISA detenu had stated that the Avdhoot was rebuffed by Bihari in 1972 when the former tried to contact him on telephone Behari told the Avdhoot that I do not want to meet you people The findings of the State Government were clear about his dissociation with the Marg Above all the Secretary in the Department of Personnel Government of India who examined his case expressed the view that technically no rule existed prior to 1975 making it a misconduct for a Government servant to associate himself with the Marg

Behari s case was submitted to the Prime Minister on February 3 1976 through the Minister of State in charge of Department of Personnel and Administrative Reforms She had kept

the file for more than ten months and after that sh r cord d the following note Yes But an eye should b kept on him from time to time The formal decision was communicated to the State Government on December 15 1976 and Behari was consequently allowed to resume his duties from that date

Behari had to remain on leave or await posting orders from August 20 1975 to December 15 1976 It has been revealed that Dhawan had asked the Chief Minister of Rajasthan to relieve Behari from service Meanwhile the appropriate Ministries at the Centre were already considering the case and coming to the conclusion that there were no grounds for punishing him

Deposing before the Commission Behari pointed out that his was perhaps a unique case in the history of ICS and IAS The services of a senior civil servant were telephonically being ordered to be terminated by a stenographer The Chief Minist r of a State complied with such orders without any further inquiry He had also informed the Commission that when he approached the Chief Minister for his posting after his case was cleared by the Minister of State in the Ministry of Home Affairs the Chief Minister had reportedly said that I cannot post you unless Dhawan clears you

Behari s association with the Anand Marg also came up b fore the Commission When he was in the Organisation emi nent p ople including a former Chief Justice of India Vice Chancellor of a university and Central Cabinet Ministers like Nanda Raghuramaiah and Poonacha were its members He told Justice Shah that he had severed his connections with the Organisation when he felt that certain aspects of the organisation s functioning were objectionable About Central Bureau of Investigation reports of his attending an Anand Marg Marri age he said that it only meant that some hymns from the Yajur veda were recited Important persons including several State Ministers were also present at the marriage The CBI report against him was therefore tendentious Behari made a sarcas tic remark about the CBI that the Chief of the CBI was doing a command performance at the instance of the Prime Minister s household

OF MEN AND MARUTI

A glaring example of capitalising the vulnerability of Government officials to intimidation and victimization was the case of the four officials of the Ministries of Commerce and Industries Democratic principles were thrown to the winds established norms were broken all to set up Sanjay Gandhi as a business genius and to carve a *nice niche* for him in the political arena The elements involved in this process had pounced upon this opportunity with a double end in mind Besides favouring unconditionally the group leaders and over enthusiastic government officials Mrs Indira Gandhi (who declared herself as the State) and her yes men were trying through this process to strengthen their own positions

In promoting the youth leader Indira Gandhi and her sycophants spared none not even the innocent Anyone susp cted to be a hurdle in their path was removed ruthlessly The promotion of this neophyte necessitated the commission of innumerable atrocities bringing untold miseries to hundreds of families

The four officials of the Industries and Commerce Ministries were trapped in the hornets nest just because thev were entrusted with the work of enquiring into the import of machinery for Maruti Pvt Ltd so that they could prepare a reply to a Parliament question These officials while attending to their duties just like any other started getting telephone calls and threatening orders from the Prime Minister s house This work proved to be dynamite Being a Parliament question the information had to be collected quickly Sanjay Gandhi retorted with a CBI raid of the houses of all the four officials All of them were corrupt holding assets dispropor tionate to their income in the eyes of the CBI

The unfortunate officials were R Krishnaswamy Deputy Secretary in the Ministry of Heavy Industries A S Rajan Development Officer in the office of the Director General of Technical Development L R Cavle, Chief Marketing Manager Project Engineering Corporation (PEC) and P S Bhatnagar Deputy Marketing Manager of PEC

Mrs Gandhi wanted to shield her son and save his Maruti For that it was necessary to prevent the disclosure of any information about the mini leader s household Official machinery were used systematically cooking up cases and subsequently harassing the helpless officials Highly placed sentinels whose duty was to expose all crime and corruption were now asked to cover up corruption and victimize those who dared look into it They religiously carried out this task to eternal shame of the Indian Police

When questioned, the CBI men behaved mulishly and had no answer They hung their heads in shame and tried passing the buck

The vast powers of an investigating police agency were used against a wholly innocent person This was how R Krishnaswamy Deputy Secretary in the Ministry of Heavy Industries one of the four officials who were exposed to the wrath of Sanjay Gandhi narrated his woes

The proceedings of the Commission on the very first day of its open hearings unveiled the sordid story of how and in what manner false cases were instituted against the four officials by the CBI

The victimization came in the wake of a spate of Parliament Question in March April 1975 on Maruti Pvt Ltd of which Sanjay was the Managing Director One of the questions related to an alleged import of machinery by Maruti who were not permitted any import under the licence granted to them This question was sent to the respective departments in the Ministries of Industries and Commerce and had finally reached the unlucky officials In the process of collecting various information they contacted Maruti for more details

The officials were immediately warned by Dhawan the Commandant of the Safdarjung fortress, for their discourtesy

to the Maruti and were asked to desist from collecting any further information

Mrs Gandhi called the Industries Minister T A Pai and Minister for Commerce D P Chattopadhyaya to her residence on April 15 1975 and complained to them about the officials Pai told the Commission that Mrs Gandhi was upset and furious over the officials action No wonder since Sanjay has always been her weakness and so was his Maruti There was also nothing unusual if she ordered the search of the houses of the officials and the institution of criminal cases against them It was her way to make one demoralised and finally corrupt thus becoming totally dependent on the mother and son Pai revealed that it was in his presence or to be precise while he was leaving the room of Mrs Gandhi she called Dhawan and instructed him to ask CBI Director D Sen to initiate enquiries against the officials and to see that their houses were raided immediately so that they were harassed

The CBI instituted criminal cases against the four officials in unseemly haste under instructions from the higher ups They were subjected to intimidation and torture and were exposed to unending miseries Krishnaswamy was subjected to tremendous mental agony Cavle and his wife lost their jobs Bhatnagar remained under suspension for sixteen months for no reason Rajan was completely shaken up and demoralised All their families had to face adverse social impact after the arrests and the searches

The mysterious story started on April 15 1975 a day before the Maruti question was to be answered in Parliament Dhawan contacted Rajan and Bhatnagar on the telephone and asked them to desist from collecting any further information on Maruti It was on the same day that Mrs Gandhi called the two Ministers and complained about their officials Mrs Gandhi s complaint was that the officials had caused certain harassment to certain parties

The same evening CBI Director D Sen instructed Y Rajpal Deputy Director (Intelligence Cell) in the CBI to verify the information against Krishnaswamy Rajan and

Bhatnagar Rajpal was told that the officials were corrupt and were having assets disproportionate to their income The next day on April 16 Rajpal directed his subordinates to collect the requisite information and also to mount surveillance against the three officials However on the same day before any worthwhile verification could be done Sen called for the papers and asked Rajpal to send forth whatever information available against the officials Rajpal did not recommend any action against any of the four officials since the verification had only just been started

Sen was in an inexplicable haste to order registration of criminal cases against Bhatnagar and Rajan on April 16 itself He wanted to report compliance to Sanjay immediately as he used to visit the holy citadel either in the morning on his way to office or in the afternoon during the lunch break Cases were formally registered against the officials under the Prevention of Corruption Act for amassing wealth disproportionate to their income

The State Trading Corporation (STC) did not lag behind in initiating prompt departmental action against Bhatnagar D P Chattopadhyaya had asked Vinod Parik the Chairman of the STC to see that those who had offended the Crown were taken to task Parik called his Chief Personnel Officer to his office at about 8 p m on April 15 and instructed him to issue suspension order of Bhatnagar and to deliver it at his residence on the same day The instructions were promptly complied with and Bhatnagar received his suspension order within two hours N K Singh Special Assistant to the Minister of Commerce, was present in the office of the Chairman of the STC when Parik gave the orders to the Chief Personnel Officer of the STC

Cavle another STC official involved in collection of information concerning the Parliament question was served with an order transferring him from Delhi to Madras on April 16 1975 The order was originally issued on April 16 as Cavle was on leave on the previous day Next day that order was withdrawn and a fresh order issued *giving effect to his* transfer from April 15 itself Parik was afraid of his being

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pulled up by the higher ups for his laxity in taking prompt action

Cavle did not accept the transfer order m akly and protested strongly to the Chairman of the PEC He met the Director General of Bureau of Public Enterprises (BPE) who took up his case with Parik Parik expressed his helplessness because he was acting under instructions from the higher ups He advised Cavle that in order to avoid further complications and possible harassment he should accept the transfer order and proceed to Madras without further delay Cavle did not pay heed to the advice of Parik and came to grief

The CBI started their verification on him on April 21 The verification did not reveal any incriminating material which could justify the registration of a case against him But on April 27 CBI Director Sen ordered the initiation of a preliminary inquiry The Intelligence Cell of the CBI was directed to collect maximum information so that the inquiry could be converted into a formal charge When the Intelligence Cell too failed to collect any substantial information to enable the CBI to register a case and search the premises of Cavle the CBI had to adopt the strange way of fabricating cases

The Joint Director of the CBI A B Chaudhury pressurised the Superintendent of Police in the CBI K Vijayan to record a note on May 1 1975 suggesting search of the premises of Cavle Vijayan was intimidated with dire consequences and was forced to record the note on the basis of which a regular case was registered against Cavle and his house was searched on May 3

The harassment of Cavle did not stop there The STC Chairman asked him to resign from his post to avoid further harassment and trouble Cavle submitted himself to the pressure from the Prime Minister s house through the PEC Chairman and tendered his resignation which was promptly accepted Cavle was not allowed a free life even outside the office He was prevented from securing a private job It was not possible for a Sanjay victim to get a job at that time

The fourth victim of the Parliament Question, Krishnaswamy was certified by the Intelligence C ll of the CBI

to be 'an officer enjoying good reputation coming from a well-off family and having a moderate living standard Even then he could not escape punishment at the hands of the CBI In this case also the CBI did not have enough material to warrant any action But Sen ordered an immediate preliminary inquiry It was however, done in a scurrilous manner without informing the usual authorities It became a formal case after four or five days Krishnaswamy's residence was raided and he was asked to proceed on leave in his own interest

The CBI tried every method at its disposal and combed through most of the files which Krishnaswamy might have dealt with in the Ministry in order to find some material to book him To their disgust there was nothing They had to resort to other ways The CBI was instrumental in registering a case against Krishnaswamy under the Excise Act for alleged possession of liquor over the permissible limit This case was however not allowed by the Court and Krishnaswamy was acquitted on March 4 1977 His wife was also harassed on false allegations of violation of Exchange Regulations His 70 year old father a retired ICS official whose locker was also sealed in Madras was subjected to harassment Allegation of possession of disproportionate assets and liquor over the permissible limits on the basis of which the CBI registered cases against this official and searched his house could not ultimately be proved and was dropped

The former Ministers Pai and Chattopadhyaya admitted before the Commission that they received instructions from Mrs Gandhi to initiate action against the four officials Pai who was called by Mrs Gandhi on April 15 1975 to complain against the officials found her angry and furious He told Justice Shah that I knew why she was angry because the previous day Dhawan had told me about it He added On the basis of that I felt the charges (against the officials) were ridiculous and that there were other reasons Officers were doing their legitimate duties and I had asked them to collect as much information (about Maruti) as possible because I wanted to get by facts I think they were perfectly right in doing their legitimate duties I even wrote to her that my officers were being harassed Even though Mrs Gandhi did not appear before

Justice Shah in her written statement addressed to the Commission she replied the allegations levelled against her by her former Cabinet colleague She s ated that she had even received many complaints agaist Pai She however used to ask Dhawan to forward them to the concerned departments and then forget about them She also denied having given any instructions to Dhawan about the four cfficials in the presence of Pai Deposing before the Commission Dhawan also denied Pai s charge that Mrs Gandhi ordered the search of the residences of the four officials

Immediately after Mrs Gandhi s statement was read out by a Commission official Pai took the witness box and lashed out at Mrs Gandhi He spoke for half an hour drawing cheers and applause from the audience Pai said There was no use keeping anything back from the Commission It was imperative to see that the things that had happened in the country do not happen again The Commission was of vital importance He said We can have a cleaner public life than we ever had before

He was very much worried about the way certain departments of the Government of India were functioning particularly the CBI during the Emergency The agency to probe corruption and book the culprits itself was made use of by the power The CBI should not be instrumental in abusing power because as we have seen the power in this country has used the agency to create tears in many families

Pai had a plus point because the CBI was functioning in a manner best suited to the lawless land to please their masters at the Prime Minister s house Cases were instituted and withdrawn at the instance of anybody from the Prime Minister s household Sen had withdrawn a case against Sudarshan Kumar Verma a clerk in the Northern Railway when he received a telephone call from Dhawan Otherwise the official was to be prosecuted for accepting bribe The CBI thus proved that such a sensitive organization can exonerate people with as much ease as it used to victimiz. Pai said he had been told that the officers of the Industry Ministry were corrupt (officers of the) Commerce Ministry were corrupt what kind of government

are we if we are all corrupt in this country because the only agency to probe into these corrupt practices itself was made use of Pai wondered why the former Prime Minister retained him as a Minister in her Cabinet if he was corrupt May be Mrs Gandhi s concept of corruption and honesty was entirely different from his He cited as proof of his honesty the fact that Mrs Gandhi had never asked him to collect funds She had not because she knew I would not

Pai had pleaded clemency for his officials but Mrs Gandhi had not listened Later he wrote to her to reconsider the matter feeling that her anger would have subsided but she had maintained that the arrest of these four officials had nothing to do with Maruti

Pai even considered his resignation from the Cabinet at that time One of the reasons why he did not do so was that he wanted to use his political influence to help his officials If he resigned he had o show reasons for that—an unworthy idea to comtemplate when Sanjay was in the saddle Another reason was that at that time no one would have believed that the officials were not corrupt unless a court exonerated them

Chattopadhyaya told Justice Shah that he was also called by Mrs Gandhi on April 15 in connection with some important matters He was convinced about the seriousness of the allegations against Bhatnagar because Mrs Gandhi personally told him about somebody for the first time Chattopadhyaya could not even think that the Prime Minister would not have applied her mind completely on this matter As revealed by him he had only instructed suitable disciplinary action against Bhatnagar and he did not have time to ascertain what action had been taken Chattopadhyaya did not call for any explanation from the offi er because he felt that when the Prime Minister had said something It has due weightage and significance I was certainly influenced by what the Prime Minister had said but the decision was mine

The four officials were victimized because the ministers and the officials of the Intelligence Agencies were spineless The revelations of the tremendous mental agony caused to these officials and their families and the barbarity of the CBI proved

that the official machinery could be twisted to any extend to satisfy the whims of a ruling tyrant Krishnaswamy complained in his statement before the Commission that he could not escape punishment at the hands of the CBI even though the inquiries conducted by the Intelligence Agencies revealed that there was nothing against him He also stated that the vast powers of the CBI were used against innocent officials who strove to maintain highest standards in public service The major casualty was service morale as it was demonstrated unequivocally that the standards of probity and conscience in performing one s duty were irrelevant An Act designed to book the corrupt and an agency founded to investigate misdemeanours proved in practice to be otherwise He revealed that the Parliament Question which had brought him such miseries was prepared without any information from the Maruti plant even though his officers visited the plant and were denied the information

Cavle told the Commission that he and his wife were still unemployed His recent efforts to seek employment in the PEC had also failed He said that the present Chairman of the PEC declined to reinstate him on the grounds that his case was before the Shah Commission and hence sub judice Justice Shah immediately told him that he was only inquiring into the case and that had no bearing on the attitude of the present Chairman of the PEC

Bhatnagar told the Commission that he remained under suspension for sixteen months for no fault of his He testified that on April 5 1975 representatives from Batliboi & Co came to his office to meet him and there was no misconduct on his part

Rajan also complained that he was harassed and subjected to torture for no fault He stated that the Police raid at his house had not only lowered his prestige in the eyes of his colleagues friends and relatives but also put a seal ' on my future prospect as well I was completely shaken up and demoralised This had a terrific impact on the members of my family particularly my wife who was taken seriously ill as a result of this On the advice of his friends Rajan approached

Sanjay through B N Lal of Batliboi & Co to explain the position Sanjay patiently heard him but in the end asked him why he was collecting information about Maruti So that was that!

The CBI officials who deposed before the Commission had a different opinion about the institution of cases against the four officials on false charges The startling revelations came from Sen He said that he had ordered investigations on the basis of information provided by the Prime Minister s Secretariat The actual information proved to be from Dhawan who had in turn got it from MPs and others The three hour deposition by the former CBI Director was very revealing Sen began by saying that he had been one of the pioneers of the CBI having long association with the organization He said his organization used to give top priority to those cases which were agitating public mind and were highlighted by the press But during the Emergency there was no public mind and vigilance of the press Still top priority was given to certain cases He had admitted that Dhawan met him at his office and complained that the four officials were corrupt As it was an oral complaint he had not recorded it nor did he give any written orders to his subordinates to deal with the case He proceeded with the case on the basis of the complaint from Dhawan that the officials possessed ill gotten wealth

Sen however said that it was his greatest misfortune that he did not know that the four officials were collecting information on Maruti affairs Had he known that he would have pleaded to the former Prime Minister not to interfere with my agency Sen also revealed that he had discussed with B N Tandon the Joint Secretary to the Prime Minister about the complaint and Tandon told him that Dhawan s words could be treated as official The CBI Director did not look back Whether the Prime Minister s *Secretariat followed up the case* or not the CBI Director proceeded with unusual speed to institute enquiries against the officials He tried to convince the Commission that even though he had very heavy work he had to give top priority to the case of the four officials

because the officials had bad reputation and therefore inquiry against them was a matter of utmost importance He however admitted that the case of Krishnaswamy was fifty fifty

Normally the required information is collected by the intelligence agency within two months but in this particular case it was given top priority as the complaint emanated from the Prime Minister s Secretariat

Sen disclosed that he used to take action on the basis of reports filed by the Intelligence Unit of his department and there was no need to verify those reports The investigating officials of the Intelligence Unit cannot be taken to task! Sen s cynical remark that we have instituted inquiries on lesser information had raised many eyebrows

Justice Shah I want to know what is the justification for the alarming expeditiousness

D Sen Naturally because I was told that it should be processed quickly

Justice Shah Did Dhawan say so or was it a matter of your inference?

D Sen It is both I will take the responsibility for it

Justice Shah But Dhawan told you to conduct the enquiry against these four officials expeditiously?

D Sen Perhaps I do not exactly recollect the conver sation

That is exactly so His long association with the CBI might have given him experience to terminological inexactitudes with as much ease as he speaks

Justice Shah observed that it appeared to him the wheels of the Government were moving fast in the case of those four officials As a citizen it is my view that the wheels of the government do not move so fast his Lordship added

I must say with deep regret that the cases against the officials were processed and put through in this manner which you are justifying seems to me ra her shocking b cause they had

come from the Prime Minister herself through Dhawan It had to be done and you did it remarked Karl Khandalawala at the end of the cross examination of Sen about the search and harassment of the four officials Khandalawala asked S-n as to why he had not reported to anybody regarding the unfair and dishonest First Information Report drawn up against Krishnaswamy To this Sen s answer was a long silence and Justice Shah sarcastically remarked the Intelligence Unit cannot be taken to task

It was made clear from furthur examination of Dhawan and Sen that the fake information was actually dug out by policemen who were rewarded later for their extra allegiance

Vijayan told the Commission that arbitrary action had been contemplated against the four officials without sufficient material He was asked to investigate and report within five days deviating from the normal procedure with regard to urgent cases He had also revealed that in spite of his best efforts no material could be found to justify a case against any of the officials He was however compelled by A B Chaudhury Joint Director of CBI to record a suggestion to arrest the officials When he put up stiff resistance the Joint Director intimidated and threatened me with dire consequences This allegation was denied by Chaudhury before the Commission

Y Rajpal also stated that he never recommended registration of cases against the officials He observed that the registration of cases were unwarranted I have records that these officials were honest '

The investigating officers one after the other were trying to wash off their hands at this stage Whether they are guilty or not will be proved only in the course of time

All said and done the poor officials had a series of nightmares during this dark era when reason went berserk

INDIRA INTERNATIONAL VS CUSTOMS AND TEXTILES

In the first week of June 1976 ten officials of the Regional Office of Textile Committee and two officials of the Customs (Palam Airport) were arrested on trumped up charges on the advice from the Prime Minister s house given through the Prime Minister's Additional Private Secretary R K Dhawan The Special Assistantt o the Commerce Minister N K Singh was entrusted with the work of collecting all the necessary information about them The work of arresting detaining and thereby teaching a lesson was assigned to P S Bhinder the DIG (Range) Delhi For him nothing was impossible if it had the sanction of the higher ups (He is now under arrest on charges of murder) Though the arrest and detention were cruel and heartless the conspira tors considered it imperative becauss of the business loss which The Indira International (Sanjay Gandhi s mother in law Amteswar Anand was a partner) may face

Ironically one of the partners of Indira International Indira Dhodi had said that Amteswar had never been a partner or owner of the firm But in her income tax return for the years 1976 77 and 1977 78 the Income Tax Officer who prepared her return deposed before the Commission that she had shown a sum of Rs 18 458 and Rs 17 267 respectively received from the Indira International as commission

They had been earning special export incentives by giving false declarations One of the Customs Inspectors Discovered a discrepancy in the declaration filed by them The women in business were afraid of imminent exposure So they thought it best to solve the problem by removing the troublesome Textile and Customs Inspectors The arrests were intended to create a fear psychosis in the minds of officials who may happen to

deal with the Firm in future Their intentions were to bring all the officials of the department under their command Honesty of the officialdom disappeared in their eagerness to safeguard their jobs and escape arrest and harassment

For these textile and customs officials their fishing proved fatal The catch turned out to be an octopus in the tentacles of which they were for long to suffer While deposing before the Shah Commission they had a sympathetic audience

Mrs Walia wife of S K Walia Textile Inspector narrated her painful experience of the days when her husband was detained under MISA Tears streaming down her eyes she pleaded before the Commission this MISA should not be there Her children she said were taunted that their father is in jail We were treated like animals What did we do to earn this she asked She could not bear any more Words failed she could only sob

It must have been a terrifying experience Justice Shah told her and added give her a glass of water and let her compose herself Her husband who had deposed earlier ran to the witness stand to comfort his wife In the meantime wives of other victims also came to the witness stand and brought her back to her seat in the public gallery What did we do What did we do? she kept on asking as she was led away

The audience was moved They were in tears They were to hear many more harrowing tales in the days to come But the uncalled for miseries of an innocent woman overcome by the ghastly nature of her suffering could easily move even the hardest heart

Justice shah himself was visibly moved The harrowing accounts of the agony experienced by the families of the detained officials prompted him to remark Man s inhumanity to man seems to know no limits at all of the officials it is still worse He also remarked as shocking the way these women had been treated keeping them in darkness as to what crime their bread winners committed Such things should not have happened He conveyed his sympathies to them If my sympathies can help they are there

After Mrs Walia several others deposed They had similar stories to tell A knock around midnight at the door followed by arrests and detentions Their houses were searched Members of their family were humiliated The Central Bureau of Investigation could not find anything incriminating Authorities did not have anything not even cooked up cases to tell the kith and kin of those thus detained

Wife of Rangarajan another victim prayed that such things should not be allowed to happen again What we had to undergo should not happen to any woman she said She recalled the efforts she had made to meet the concerned officials especially N K Singh to ascertain the reasons for the arrest of her husband She and some other women were made to wait at his gate on a number of occasions and on one such occasion when Singh and his wife came out these hapless women tried to meet him N K Singh had no time for the women in distress His irate wife barked at them We have more important work to do

The officials arrested were D B Ghose A K Chakravorty R C Jain S K Walia R Rangarajan R S Gupta Venkatesh V B Bhambri and Asutosh Mukherjee Inspectors in the regional office of Textile Committee Delhi Others were S N Chattarjee Assistant Inspecting Officer in the same office and Sumer Singh Yadav and M S Malik Customs Inspectors at Palam Airport These officials in the normal discharge of their duties came in confrontation with the garment export house Indira International partially owned by Amteswar Anand mother in law of Sanjay Gandhi

It all began in April 1976 when S S Yadav on customs duty at Palam Airport discovered some irregularities in a consignment of garments for export The firm Indira International had declared that the garments were made of hand woven cloth Yadav on examination found that the garments were made out of powerloom cloth There was considerable difference in the export incentives allowed for the export of handloom and mill goods By false declaration the firm was trying to cheat the Government The clearing agents for the exporting firm were asked to produce definite proof to show that the

garments were made of handloom They failed to produce the necessary proof Instead the representatives and the manager of the clearing firm who arrived at the airport threatened the officials with dire consequences

They were told that the consignment b longed to the mother in law of Sanjay Gandhi and that the officials will have to pay the price for the holdup of the consignment The customs authorities were over awed to such an extent that they immediately cleared the consignment Another inspector who visited Indira International' was threatened by Dhodi the Managing Partner of the firm and told that if the shipments were rejected or delaved she would see that drastic action was taken against the officials The officials were non plussed The fear psychosis created by the Emergency was all pervasive They sensed danger when they realised the real force b hind Indira Dhodi They succumbed to the threats and kept mum

These dramatic actions leading to the arrest of the twelve officials were linked to a telephonic instruction from N K Singh to S C Suri Inspecting Officer in the Textile Committee offi e The orders were tc furnish within thirty minutes the addresses and dates of posting of all the insp cting staff in the Textile Committee The orders were complied with and the list was passed on to the Prime Minister s house where apparently R K Dhawan ordered the arrest of the concerned officials

It has been revealed at the Shah Commission that P S Bhinder Deputy Inspector General of Delhi Police inform d his counterpart in the CBI A P Mukherjee sometime towards the end of May 1976 that he had received some information from the Prime Minister s house about corruption and harassment by some officers of the Excise Customs and Export Promotion Council in the matter of export of garments by various exporters Mukherjee could not trace any information in this regard in the CBI records He therefore directed his officers to enquire into the system of insp ction of garments

In the meantime Bhinder himself had initiated an enquiry through the S P (Anti corr uption) D lhi Administra-

tion Informal enquires were made by an Inspector of the anti corruption Department from the office of the Textile Committee in Karol Bagh The information so collected was passed on orally to Bhinder In the meantime officers engaged by Mukherjee were still trying to collect information on the lines suggested by him Mukherjee was surprised to learn from his officers that a large number of officials belonging to the Textile Committee and Customs Department who were connected with clearance of garments for export had been detained by Delhi Police

All of them were arrested on false and fabricated charges of having raised slogans protesting against the Emergency and plotting to goverthrow the Government The officers were hand cuffed and some of them paraded in public Within a few days of their arrest they were served with detention orders under MISA The grounds of detention were charges of corruption and malpractices The charges under which they were initially arrested were dropped they were served with MISA warrants This was a glaring example of the misuse of MISA Sanjay Gandhi and Bhinder were conscious of their misdeeds Having arrested and detained these officials for nothing they wanted to cook up stories to justify their actions They asked R K Dhawan to prompt D Sen the Director of CBI to institute CBI enquiries and search the house of the officials When the CBI Director found it difficult to proceed on the available evidence Bhinder reassured him that we are hundred per cent convinced that these officials are corrupt though no documentary evidence is available He could afford to give assurances like that because of the black law and because of his access to the Prime Minister s residence

An assurance from Bhinder in those days had the sanction from the Prime Minister s house and therefore the CBI Director did not raise any further objection Their houses were searched and cases of disproportionate assets were registered against some of them

They were still not content with the punishment inflicted on these officials Sen and Bhinder wanted the textile inspectors

to be interrogated in Jail A group of police officers drafted from CBI and anti corruption department of the Delhi Administration were entrusted with the job The interrogation was done in a surreptitious manner which would have made Sherlock Holmes uncomfortable in his grave Tape recorders were smuggled into the Jail without the knowledge of the Jail Authorities and the interrogation was taped The tapes were then sent to the CBI The police officers who interrogated those officials in Jail were unaware of the charges against their victims! Such interrogation in judicial custody was not permissible in the eyes of law

All these methods whatever be the degree were aimed at 'teaching them a lesson' The police officers were more cynical in dealing with the Textile Inspectors as is evident from what the former CBI Director Sen had gone on record Since the maximum harm had already been done to the Inspectors arrested under MISA a house raid would not damage them further' He would happily have thrown a bucket of water over a drowning man

Their houses were searched and cases of disproportionate assets were registered against some of them On the contrary the CBI Director did not agree to register cases against Suri and Bhatnagar against whom there were sufficient evidence to do so This unwillingness on the part of the CBI Director could only be attributed to the fact that it was Suri who had supplied the list of Textile Inspectors to N K Singh which resulted in the arrests

For those who helped in the arrest of these twelve officials it was a gold mine For those arrested and for their families it was the beginning of the night of their lives The wives and relatives of the officials was helplessly running from pillar to post to know the reasons for the detentions and were seeking help to get their dear ones released They knocked at the doors of the Lt Governor the Minister for Commerce and many others One of the women who approached Bhinder through a family friend was told that No person other than Sanjay Gandhi can help in the matter since Yadav had annoyed him by raising objections in consignments of garments exported by his mother in law"

Bhinder denied having said so He had also denied what he had told Mukherjee of the CBI about the officials but insisted that the list of Textile Inspectors was given to him by a Superintendent of Police of the anti corruption department

The wives of these officials sent representations to the Prime Minister the Commerce Minister and the Home Minister After processing these representations the Home Ministry felt that the detenus being Government employees the use of MISA for their detention for alleged corrupt practices was not covered by law In one case R L Mishra Joint Secretary in the Ministry of Home Affairs felt that it was yet another case of abuse of MISA by the Delhi Administration and that the charges against the officials were fabricated In all these cases Mishra expressed his strong opinion that the Delhi Administration be advised to take suitable action against those responsible for misuse of emergency powers Thereafter the Home Ministry advised the Delhi Administration to revoke the detention orders All the representations were dealt with at the highest level in the Home Ministry and the orders of K Brahmananda Reddy the Home Minister were obtained

The Delhi Administration had to disregard the advice of the Home Ministry and follow the behest of the Prime Minister s house The Ministry of Home Affairs advice was adhered to only in the case of Inspector S K Walia

When the revocation cases of others were submitted for the orders of Lt Governor he desired to have all the cases reviewed through the Screening Committee instead of taking up cases individually with the intention to release all the detenus together The Screening Committee met on November 16 1976 As the meeting began Bhinder called the Lt Governor to his ante room and conveyed the orders of the higher-ups It was however recorded in the procedings of the meeting that the Committee did not recommend the revocation of the detention in respect of these officials If the Emergency had not given enough powers to the Home Ministry at the Centre it had given super powers to the Delhi Administration, which was run by Navin Chawla to whom the job of training

Singh had obtained the list expeditiously as insistent Dhawan anyway denied it

nah then observed that as it appeared Someone the Prime Minister s son was interested in a con one unfortunate inspector raised objection to its le in power appear to have been incensed at the e Inspector The officer was to be taught a lesson mber of others in the same department so that they raise similar objections Justice Shah further K Singh as to whether he was a party to the ainst the victims or had he been doing something in the course of his duties N K Singh replied nly carried out instructions

ngs were said and done centering around a list of ctors This list passed through many hands before s Gandhi Dhawan had test fied that he gave it to and did not know what happened to it after that n statement to the Shah Commission Mrs Gandhi early that she had no knowledge about the arrest n of the Customs and Textile officials

senior officer who found the witness chair at the quite uneasy was M L Budhwar former Coll ector Delhi Immediately after the arrest of the Customs e had told the press that Yadav and Malik ctors were arrested in connection with smuggling a gang which substituted export consignments of those of bricks and ston s When asked about his ntradict this untrue statement the former Customs aded ignorance of the report He came to know of Yadav pointed it out to him in February 1977

R K Ohri DIG Delhi deposed can be believed d a blanket ord r to arrest any one they chose ey felt any person was likely to go underground est under MISA they could use preventive *the Criminal Procedure Code to arrest him* ishing reasons What was alarming was that was followed not only in the case of those twelve was ecstatically adhered to throughout the period of

the Emergency in Delhi as well as in other parts of the country On the night of the declaration of Emegency the police officers who were apprehensive of the impropriety of their actions were assured that the Government would take action to indemnify them against any criminal involvement

In spite of the prolonged proceedings and enquiries the CBI could not prove any of the charges levelled against these twelve officials and the cases were ultimately dropped Who is going to compensate the inhuman treatment meted out to these officials and the sufferings of the members of their families?

These officials were released from detention after the Janata Government came to power However no action was taken yet against those officials who functioned as the hatchetmen

BUYING BOEINGS

One of the sensitive cases before the Shah Commission was the hasty action on the part of the Indian Airlines Management in deciding to purchase three Boeing 737 Aircrafts The hurry shown in placing the orders for the purchase of these aircrafts will only help to confirm the news in the American Papers about the Boeing pay—off A report in the Wall Street Journal quoted Theodore Coling the Boeing Corporation Attorney to suggest that the Corporation had made certain payments to 13 consulants from different countries including India

The Ministry of Civil Aviation had proposals for the augmentation of traffic capacity of the Indian Airlines A Study Group was set up to have an in depth study of the operational capabilities financial terms and economics of the aircrafts available in the world market The Committee dealt with the technical details and other aspects of three types of aircrafts available namely BAC 111 with 84 seats K 28 with 80 seats and B 737 with 126 seats While the first two types were subjected to proving flights on selected Indian Airlines routes to have first hand technical knowledge of the performance Boeing 737 was considered on the basis of technical data made available by the manufacturers but without any route test The Committee submitted its report to the Indian Airlines which was considered in August 1976 The Indian Airlines Board after discussion decided to have an item styled evaluation study and an Interline Committee was constituted for this purpose

While the study by the interline committee was in progress P N Dhar Secretary to the Prime Minister told N K Mukherjee the Aviation Secreatary about Mrs Gandhi s impressions on the purchase of the Boeing aircraft She was

of the view that the Civil Aviation Ministry stood in the way of buying the Boeings

On October 29 1976 Mukherjee was asked by Raj Bahadur the Minister for Tourism and Civil Aviation to reach office immediately A H Mehta the Acting Chairman of Indian Airlines was already present in the Minister s office The Minister enquired from Mukherjee about the proposal of purchase of aircraft for Indian Airlines Mukherjee explained the position to the Minister Mehta pointed out the urgency of issuing a letter of intent b fore the expiry of the date of offer from Boeing company on October 30 1976 Raj Bahadur urged the necessity of taking an immediate decision

Mukherjee testified before the Commission that while the discussion was in progress in the Minister's room there was a telephone call and Raj Bahadur replied to the call with the remark Yes Dhawan Saheb I am going into the matter with my officers who are with me This indicated the pres ure upon the Minister from the Prime Minister s house

Pending receipt of the recommendations of the Interline Committee and the final decision on the matter the Indian Airlines Management requested the Aviation Ministry on October 30 1976 to issue a letter of intent to the Boeing Company for the purchase of three B 737 aircrafts The letter from the Indian Airlines Management was delivered to the Secretary during a meeting which was held in his room on the same day The meeting was attended by representatives from the Indian Airlines Ministry of Finance and Planning Commis sion in which it was agreed to issue a letter of intent

In the meantime the Interline Committee recommended the purchase of B 737 aircrafts on November 3 1976 even though the Joint Secretary (Finance) one of the members of the Committee had some reservations on purchasing the aircrafts without a system study Disregarding this the Indian Airlines sent their proposal on November 20 1976 to the Ministry for the purchase of aircrafts The Airlines Board approved the action of the Indian Airlines Management in spite of the fact that Air Chief Marshal O P Mehra was opposed

to the proposal on the grounds that it was not based on a system study

Thus approved the proposal was sent to the Planning Commission After a d tailed study of the proposal the Planning Commission felt that there was sufficient reason to believe that the acquistion of B 737 may not be appropriate and that a decision should not b taken without the completion of system study Regarding the cost escalation in case of a deferred order the Planning Commission felt that its magnitude was relatively small compared to the interest costs It was also felt that the loss on account of operating surpluses were inapproporiate The analysis of the Projects Appraisal Division did not suggest any excessive pressure on the traffic capacity of the airlines even if the acquisition was delayed upto one year It was also pointed out that the system studies could have been completed within two months

The propo al was also referred to the Public Investment Board (PIB) which sugg sted an optimising system study' based on traffic growth In the meantime Raj Bahadur was replaced by K Raghuramaiah in the Civil Aviation Ministry The new Minister was told by Dhawan about the pending file regarding the purchase of Boeing aircrafts The Minister insisted upon the clearance of the file relating to the purchase of the aircraft On eceipt of the recommendations of the Public Investment Board N K Mukherjee advised the Minister to accept them The Minister however wanted to take it to the Cabinet for financial decision on the recommendations of the PIB Such an over ruling of the PIB was unique The Cabinet approved proposal on February 8 1977 and the Ministry s sanction for purchase of three B 737 aircrafts at a total cost of Rs 30 55 crores was communicated to the Management of the Indian Airlines on the same day Indian Airlines Management signed the contract with the Boeing Company the next day The Civil Aviation Ministry wanted to associate the Joint Secretary (Finance) with the negotiating team They could not do so because of the undue haste on the part of the Airlines Management

The contract was signed on February 9 1977 It is

however on the records that Kripal Chand Director Finance, of the Indian Airlines who contacted the representatives of the Boeing Company got a categorical refusal from the part of the Company about any further extenstion of dates Kripal Chand had testified before the Commission that in October 1976 when the Indian Airlines was seriously siezed of the matter concerning the purchase of the aircrafts Captain A M Kapoor Director of Operations accompanied by Rajiv Gandhi met A H Mehta the Acting Chairman of the Indian Airlines in his office Kripal Chand who was present there was asked to show the financial projections to Rajiv Gandhi During their discussion reference was also made to some aspects of the Boeing 737 Aircraft A H Mehta and Captain Kapoor described the operational and technical superiority of the B 737 Aircrafts Mehta also mentioned that Boeing 737 Aircraft was more economical

Devanath Sen the Director of the CBI who had a command performance' at the Commission to his credit had prepared some secret notes on October 15 1975 regarding some allegations of corruption in respect of A H Mehta The action taken in this connection is not known However subsequently on November 12 1976 Sen sent another note which referred to the previous one and said that as a result of confidential enquiry there appears to be some truth in the allegations against A H Mehta of the Indian Airlines This note was sent to Dhawan

Appearing before the Commission as witnesses Raj Bahadur and Raghuramaiah former Ministers who held the Civil Aviation portfolio consecutively during the relevant period revealed that the former PM showed keen interest in the purchase of the three aircrafts Raj Bahadur had discussed the matter with Mrs Gandhi and she was fully aware of it Raj Bahadur however said that he did not express any desire for B 737 Aircrafts His experience was that the foreign aircraft manufacturing companies maintained large and strong lobbies to canvass the sale of their aircrafts

Justice Shah then questioned him about certain matters which had direct connection with the case When asked whether

he knew Rajiv Gandhi Raj Bahadur said he knew that Rajiv was a pilot in IA He met him only once when Rajiv was piloting the flight which he took and Rajiv came to him in the plane as it was customary for the pilots to pay compliments to any dignitary on their flights Justice Shah remarked that there was nothing wrong in that Raj Bahadur pointed out that Rajiv was only a pilot and had no say in the Corporation s administration

It was Raghuramaiah who told Justice Shah that Mrs Gandhi was aware of the Boeing pay off reports as immediately after the Cabinet meeting which approved the purchase of aircrafts she told him about those reports Raghuramaiah also told the Commission that Mrs Gandhi was interested in the purchase of the aircrafts When he happened to visit the PM s house to see her in connection with certain matters relating to Parliamentary affairs Dhawan told him about the delay in a file regarding the purchase of the aircrafts and asked him to look into it Raghuramaiah took Dhawan s words as that of the PM because of his long association with Mrs Gandhi and her method of functioning had convinced him that whenever Dhawan said something it was as good as the Prime Minister saying so When Justice Shah expressed his doubt about the interest Dhawan could have in the particular file Raghuramaiah said This is how the former PM functioned through Dhawan What Dhawan says goes" Raghuramaiah however tried to explain that he did not take any action on the recommendation of Dhawan He said that the Airlines could not wait for the system study because the purchase would then have been delayed and the sale offer from Boeing was time bound which might have resulted in a loss of about Rs 3 crores

Justice Shah then pointed out that it was not unusual for the aircraft companies to extend the date of offer Raghuramaiah s answer was that his officials had informed him that there was no possibility of such an extention

A H Mehta former Chairman of the IA was also examined by the Commission Mehta told the Commission that he did not remember to have asked the Direc or (Finance)

of the Airlines to show the financial projections to Rajiv. Mehta added that Kripal Cɪand might have shown it to him

He could have refused even if I had asked him to show the projections to Rajiv Gandhi' About the presenc of the son of the former PM in his room M hta said that Cipt Kapoor Director of Operations of the Airlines cam to him to discuss certain technical problems of Avro aircrafts Even though Mehta suggested to have the discussion with the Director Engineering Kapoor insisted on the discussion as an Avro Commander was also with him for the purpose The commander happened to be Rajiv During their discussion Capt Kapoor talked about th purchase of Boeing Acirafts and also about the delay in taking a decision in this regard However Rajiv Gandhi did not speak a word nor was there any expression on his face But I was wondering why the Captain had chosen to discuss the matter in his pres nce and I was embarrassed ' He was really embarrassed when Justice Shah asked him about his remark to K ipal that you techno crats have not b n able to get the aircrafts for me Now I will get them for you To this Mehta said that he could not have said so

During the course of the proceedings Justice Shah observed that there was a desperate hurry in signing the Agree ment with the Boeing Company by the Indian Airlines Management The circumstances of the signing of the Agreement gave rise to misgivings He also observed that it was unusual for the Airlines officials to discuss such important matters in the presence of a junior Pilot not familiar with flying either B 737 or concerned with its economics Justice Shah was referring to Rajiv the elder son of the Prime Minister

BRAHMACHARI'S YOGIC PLANE

Mrs Gandhi s Yogi mentor Swami Dhirendra Brahmachari too was a political force It may take some time to unravel the mystery of this swami s relations with the mother and son but the irrefutable fact of his influence was revealed before the Commission His word was command and officials were only too willing to flout the law to serve the Swami His presence made them forget everything and made them dance to his tunes No one in the Central Government including Cabinet Ministers was able to turn down any demand of the Brahma chari

From March 29 1976 one State Government three Cabinet Ministers and seven departments of the Central Government took just twenty four days to push a file granting an import licence for a gifted aircraft valued at Rs 4 lakhs for the Yogi s flights in the air Later the value of the aircraft was raised twice finally fixing it at Rs 6 14 lakhs This was done without any proper evaluation of the records Customs exemption to the tune of Rs 2 21 lakhs was granted without any proper verification and against the rules and regulations He was also given permission to construct a private airstrip at Mantalai in Jammu Proximity to the seat of power was power itself in his case

Brahmachari had been asserting himself even before the declaration of the Emergency His demands and letters had enthused many ministers and senior officials into frenzied action Swami would ask even petty things to be done accord ing to his whims and at the time and place demanded by him He wrote to the Minister of Communications S D Sharma for the regularisation of a temporary telephone connection to a certain person who had started a clinic He asked the Defence Minister Swaran Singh to look into the transfer of an em

ployee in the Defence Accounts He also requested the Governor of Karnataka Uma Shanker Dikshit to appoint some one in the Mysore University's Institute of Development Studies

If the words of N K Singh Special Assistant to the former Commerce Minister D P Chattopadhyaya was to be believed Brahmachari had considerable influence on Mrs Gandhi N K Singh's father T P Singh was removed from the post of Finance Secretary simply because he did not oblige Brahmachari in allotting him a piece of land T P Singh was removed on the ostensible reason that he had opposed bank nationalisation but the Swami had boasted that he had ousted Singh

Brahmachari he claims to be But a case filed by one Ahuja that his wife's affections were alienated by the Swamy is pending in a Delhi Court He was a swamy with sound business instincts and interests His Vishwayatan Yogashram established in 1958 in New Delhi had received more than Rs 16 lakhs as grants in aid from Government for a period from 1969 to 1975 Another organisation the Central Research Institute for Yoga was also established through his efforts in 1976 Brahmachari became its Director This organization also received Rs 10 4 lakhs as grants from the Government

In July 1977 the Central Bureau of Investigation had registered a case against Brahmachari alleging that the grants of the Government were not utilised properly and that the funds were diverted for various other purposes and falsified the accounts

He also has an ashram—Aparna Ashram—at Mantalai in Kashmir This was established in 1973 The primary object of this ashram was to educate people in the art and science of yoga But it was in fact a health resort for the rich It has air conditioned caves sauna baths and a palace tower'

Aparna Agro Private Ltd founded in 1973 has as its directors Brahmachari Sanjay and S C Kishore Sanjay however wrote to the Registrar of Companies in 1975 informing that he had no knowledge of the existence of such a Company and that he had nothing to do with it Brahmachari then clarified his

:hat as he and Sanjay were known each other they had and agreed on it before the formation of the Com t afterwards Sanjay expressed his desire to dissociate irectorship His name was subsequently dropped ivate company the consent was not taken in writing t have slipped from the memory of Sanjay Sanjay ntly conscious of the crimes with which he would have :iated if he continued on the Board of Directors He keep his slate clean and yet to enjoy the benefits

the formation of the Company Brahmachari wrote to Aircraft Corporation (USA) for dealership and they e also entered into correspondence with some other mpanies

nade a start with a letter to the Chief Minister of vernment for permission to import a gifted Maule raft The J & K Government cleared the application s and gave its no objection Brahmachari immediatly r Customs Clearance Permit (CCP) and sent a letter apur Director of Aeronautical Inspection asking for to import an agricultural spraying aircraft from craft Corporation Kapur found that M 5 was not agricultural spraying and advised Swami to revise ation for permission to import a four seater M 5 hout mentioning anything about agricultural spraying ri submitted his revised application on April 2 1976 to import the aircraft for my personal use for the furthering the activities of Aparna Ashram ' He Director General Civil Aviation (DGCA) to recom ase to the Ministry the same afternoon The DGCA

went to the help of Brahmachari on the advice of itam DGCA who however denied later that he had dvice

oposal was then sent to the Ministry of Tourism and ion There some junior official felt that M 5 aircraft re under *the executive type of aircrafts and therefore* vas not permitted The case was immediatly taker : Civil Aviation Minister and was cleared

The file was sent to N K Singh, Special Assistant to the Commerce Minister on April 2 itself It went to the Finance Ministry the next day which had no objection as the proposed import was a gift' The file went back to the Chief Controller of Imports and Exports (CCIE) on April 5 and from there to the Home Ministry There a Joint Secretary wanted the motivation of the gift to be checked It was never done

The CCIE again sent the file to the External Affairs Ministry That Ministry also had no objection from the political angle if the gift was otherwise permissible under the law

On April 22 the proposal was finally approved by D P Chattopadhyaya and the permit was given to Brahmachari on the same day

Brahmachari himself must have been exultant and overawed by the result of his endeavour because his initial application started from Srinagar only on March 29 1976

Now the flying Swami applied that the value of the permit be raised from Rs 4 lakhs to Rs 4 5 lakhs This was granted immediately without any hesitation in anticipation of evidence due to the high reputation of the Ashram Brahmachari again approached the Joint Chief Controller N C Rastogi and requested a further revision of the permit raising it to Rs 6 14 lakhs

This was also granted without any verification The total value of the aircraft now rose to U S $ 67 350 while the certificate from Maule Aircraft Corporation (MAC) was only for a sum of U S $ 40 585 Under normal circumstances documentary evidence was necessary before allowing the enhancement of the value

All this was done by the officials under the impression that the plane was a gift from the USA It was actually not Five days after receiving the permit Brahmachari flew to USA and personally made a cash payment to the MAC He had twenty thousand U S dollars with him when he reached the USA The rest of the money was arranged by him in a hurried trip from Georgia to New York

The President of the MAC Bedford Maule told the American Federal Bureau of Investigation that the Swami paid

for the aircraft in cash but demanded a letter to make it a gift The Company however sent a telegram to Kapur (Director Aeronautical Inspection) informing him that the plane had been purchased Kapur was the official who initiated the proposal to import the plane as a gift He did not take any action on the telegram nor did he tell anybody

It was revealed before the Commission that the day the Swami was to leave for the USA the Directorate of Enforcement in New Delhi was informed that he had purchased US dollars worth Rs 3 5 lakhs from foreign exchange racketeers in Delhi and another purchase worth Rs 10 lakhs was to take place in Bombay The informer went to the Directorate and gave in writing the names and other details of the persons involved in the transaction The Directorate however did not bat even an eyelid The Director S B Jain did not think it necessary to take any action

Back from U S A Brahmachari sought exemption from customs duty for the aircraft The Central Bureau of Excise and Customs (CBEC) promptly granted an exemption to the tune of Rs 2 21 lakhs in public interest Eventhough junior officials in the CBEC pointed out that the aircraft was not eligible for customs duty exemption under the magic influence of the Swami senior officials ignored all such nonsense and the exemption was granted on the ground that the aircraft was required for carrying students and teachers to the Aparna Ashram in Jammu which was otherwise inaccessible

Brahmachari was also given permission to construct a private airstrip at Mantalai in Jammu near an Indian Air Force installation From the security point of view it was a very sensitive area Air Headquarters had rejected the proposal twice before But it was cleared in December 1976 It was revealed that the proposal was taken up again at the instance of the Defence Minister Bansi Lal Joint Secretary S K Misra who was attached to the personal staff of Bansi Lal told the Commission that he met Brahmachari in this connection at the instance of Bansi Lal Afterwards the Minister had asked him to find out what action had been taken in the application When he came to know that the Air Headquarters had rejected

it on grounds of security Bansi Lal wanted to find out what preconditions would have to be satisfied before granting the permission

Another Joint Secretary in the Defence Ministry revealed that the Brahmachari wrote a letter to Bansi Lal on December 23 1976 He said that it was the basis on which construction of the airstrip was permitted

Deposing before the Commission the Chief of Air Staff *Air Chief Marshal H Moolgavkar said that the Defence* Ministry was keen to grant the permission to construct the airstrip and then who are we to say no? Moolgavkar and Air Commodore P P Singh Director of Intelligence Air Headquarters told the Commission that if the conditions laid down are obeyed security would in no way be jeopardised The permission granted in December 1976 was withdrawn in May 1977

Brahmachari also was in a hurry Even before the permission to construct the airstrip was cleared by the Defence Ministry he had the area levelled and ready otherwise for construction

Who was behind Brahmachari? As was revealed before the Commission the plane was used by Sanjay for his election campaign in 1977 D P Chattopadhyaya said that somebody in the Prime Minister s family was interested He also said I can well presume that since he was very close to the house he may have influence there ' That he was an influential man goes without saying

"IN PUBLIC INTEREST"

The Emergency gave cover to another high handed act on the part of the Delhi Administration with the connivance of the Prime Minister Mrs Indira Gandhi the Information and Broadcasting Minister V C Shukla and others The buildings of the International Youth Centre (IYC) was taken over by the Delhi Administration at the instance of the Madame who felt it was being used for anti national activities After requisition the Delhi Administration allotted the building to the National Institute of Social Studies and Research an organisation sponsored by the AICC in public interest It was later revealed that the building was used by the Congress Party for electioneering purpos s It was in this building that the much controversial translation of the Manifesto of the Congress Party was carried out

The IYC is a multipurpose Organisation set up by the Indian Youth Centre s Trust The Centre was set up in 1969 after a decision to that effect by the Executive Committee of the Indian Assembly of Youth This was set up to provide training to workers of youth organisations The Centre was also intended to be an international meeting place for young people from all parts of the world It received financial and other benefits from the Government of India as also from international agencies like the UNESCO A West G rman organisation also extended financial help The Ministry of Works and Housing allotted a plot of land in Chanakyapuri New Delhi for the Centre As they received wide ranging financial assistance a Trust was set up in 1969 with Rama Krishna Bajaj as its Managing Trustee A director was also nominated for the day to day management of the Centre The Trust took up the construction of the building for the Centre Work was in progress at the time of the take over of the building by the Delhi Administration

The statement filed by the members of the Trust brought to light that the Trust was under pressure from the Government as early as 1973 Shukla at that time Minister of State for Defence Production wanted a change in the composition of the Board of Trustees of the Centre The Board of Trustees did not accept the proposal Then came Emergency Shukla who was all the time trying to fasten his hold on the Centre acted quickly He extended his strong arm through the Lieutenant Governor of Delhi The building of the Centre was requisitioned under the Defence and Internal Security of India Act on August 30 1975

Bajaj complained about it to the Home Minister and the PM He even sent a written complaint to the PM on September 13 1975 His efforts however were of no avail In November that year the Lt Governor of Delhi promised him de requisition of the building provided he agreed to the reconstitution of the Board of Trustees He was also given a hint to include Ambika Soni in the Board Bajaj was reluctant The Lt Governor then advised him to discuss possible new names with him (Lt Governor) and Shriman Narain so that they could submit the new list to the Prime Minister

Pressure mounted upon Bajaj from many quarters Shukla wanted Bajaj to hand over the Management of the Trust He intended to run the Centre in consultation with Sanjay Gandhi In January 1976 Mohammed Yunus Special Envoy to the PM told R K Bajaj to co operate with and to abide by the advice given by Shukla Yunus also tried to enlighten Bajaj saying that during Emergency the Government could do anything because of enhanced powers If they did not co operate they could even be sent to jail

Bajaj called a meeting of the Board of Trustees in Bombay on January 29 1976 In the meeting attended by Naval Tata V V John and R K Bajaj Tata suggested the resignation of the trustees as a protest against the high handed behaviour of the Government But the other members did not accept the proposal Tata also informed them that he had contacted Sanjay on phone and the latter had told him that he was no more interested in the building as it was allotted to the Delhi Tourism Development Corporation

Again in February Lt Governor advised Bajaj to have discussions with Sanjay and agree with him on a solution to solve the crisis Bajaj after consultations with the members of the Trust informed the Lt Governor that the Board of Trustees wanted the Centre to remain a non political institution and that they were agreeable to the addition of some members in the Board without erosion to the non political character of the Trust The Lt Governor asked him whether the Trustees would accept the advice of Mrs Gandhi Bajaj wanted to consult other members of the Board After a meeting of the Board held on April 29 1976 Bajaj conveyed to Mrs Gandhi the willingness of the trustees to abide by your advice

Again on May 3 1976 Bajaj met the Lt Governor He was happy that the sorry chapter was coming to an end The Lt Governor also told him as a Government Servant he only carried out the orders But he stated that when the building was requisitioned he realised that it was because of politics He could do nothing about it Lt Governor told Bajaj that the whole thing was engineered by Shukla who seemed to have the feeling that the Prime Minister had some reservation about Bajaj and someone had poisoned her mind further

P T Kuriakose Director of the Centre told the Commission that the requisitioning order was served on him on August 30 1975 They took possession of the building the same day At that time there were about eighty persons residing in the hostel Without any regard for the functioning of the voluntary organisation the authorities ejected the inmates of the hostel the next day and the furniture and other property of the Centre were sealed

The evil intention behind the requisition of the building was evident from the fact that even after ejecting the inmates of the building it remained vacant for a few months It was later on handed over to the Delhi State Industrial Development Corporation (DSIDC) on November 29 1975

The officials who passed the order for the requisition were no satisfied themselves of the rationale behind their action. Sushil Kumar Deputy Commissioner who recommended the

requisition had done so on the basis of an unsign d proposal from K S Bajwa the SP (CID)

Even though the records of the Delhi Administration show that the building was requisitioned for maintaining public order and services essential to the life of the community' the real reason was that there was a suspicion that it was being used for purposes prejudicial to the security of the state However there is nothing on record to support the view taken by the Delhi Administration because the Government did not take any step to prevent the inflow of foreign contributions to the Trust The Government of Uttar Pradesh also extended its full co operation to the Centre in organising training courses for its District and Block Youth Officers in June 1976

The activities of the IYC increased during the Emergency in spite of the requisition of its Building on the charge that the activities were prejudicial to the security of the State It is also revealed before the Commission that even though the requisition was done under Section 23 of the DISI the necessary requirements of this Section were not adhered to by the D lhi Administration Instead it took the courageous step of allotting the building to an Institute sponsored by the Congress Party During the six months of its occupation by the Congress Party the building was used to train party workers and also to carry on election propaganda during the Lok Sabha elections The training course for Congress workers was inaugurated by Mrs Gandhi in September 1976

The Delhi Administration went all out to help the Congress Party by not only allotting the building to the AICC in public interest but also by bearing the electricity and water bills for the period when building was occupied by the AICC The building was therefore utilised by the Congress Party for political purposes—the Party had used the building to store election material on the eve of the March Lok Sabha Elections

The building of the IYC was de requisitioned on March 26 1977 after the Janata Government came to power

Deposing before the Commission the Lt Governor stated that he had requisitioned the building on the basis of the

recommendation from Mrs Gandhi He said that Mrs Gandhi had told him thrice to requisition the building and she was very keen on altering the membership of the Board of Trustees Mrs Gandhi had told him that the building was being used for anti national activities That was why the Lt Governor ordered the requisition of the building He however, denied to have any talk with Sanjay in this regard He had also said that the statement made by Bajaj as to how he was pressurized by Shukla was correct

Bajaj told the Commission that Shukla had suggested to get rid of the trustees like Professor Malcom Adiseshiah Vijay Lakshmi Pandit Professor V V John and Charat Pam Shukla was however not against Bajaj and S P Godrej and about Naval Tata he was not sure Bajaj also revealed that he earlier had a talk with Mrs Gandhi and when asked she told him that she was not unhappy with him but that she was hearing things Bajaj then told Mrs Gandhi that such things would continue to be heard because of the association of people like Morarji Desai K N Bajaj J P and Acharya Vinoba Bhave She did not respond to this statement

Bajaj also told the Commission how he was pressurised through income tax raids and other methods because of his refusal to submit to the wishes of Mrs Gandhi and Shukla This he said was nothing but political vendetta because his late brother K N Bajaj was with the Congress (O) and had opposed Mrs Gandhi s candidature for the Prime Ministership in 1966 Viren Shah who was involved in the Baroda Dynamite case was a business partner of the Bajaj Group and was against Mrs Gandhi His family was closely connected with Vinoba Bhave and J P Another reason was that some of his family members arranged the Acharya Sammelan at Wardha in January 1976 which demanded the revocation of the Emergency Bajaj was also approached by one emissary of the Government to get the second Acharya Sammelan which was proposed to be held in June 1976 either be postponed or cancelled The emissary who is a senior political functionary in Maharashtra was his friend but he refused to do so

When Mrs Gandhi found that a series of politi al manipu lations against her had been committed by the Bajaj family, she

resorted to pressurise the Bajaj Group through income tax raids and similar actions Bajaj said that he was not very much worried about the income tax raids but he was worried about the extraordinary publicity given to the raids and the Government s op n inclination to denigrate image of his business house

Professor V V John former Vice Chancellor of Jodhpur University told the Commission that his resignation from the Board of Trustees would have helped the Government in realis ing their desire easily He preferred to carry out the Trust reposed in me particularly in the circumstances in which we have been landed by the Government " He also told the Trustees that the threat of detention in jail could have no effect on me and that people much b tter than us hav already b en sent to jail

J K Kohli Chief Secretary, Delhi Administration testified that he had no option but to obey the orders of the Lt Governor He also tried to explain that the Administration s subjugation to the AICC was dealt with by the Raj Niwas and he was not in a position to express his objection as after the imposition of the Emergency the Lt Governor used to frown upon him In such circumstances he acted mechanically

The former District Magistrate of Delhi revealed that his action resulting in the requisition was based on an unsigned note mentioning the indulgence in anti national activities by the IYC provided to him by Bajwa SP (CID) He however admit ted that under the rules the requisition should not have been done in such a manner He did not verify the facts behind the proposal of the SP (CID)

'HAPPY' MEHTA'S RAIDING SPREE

Mrs Indira Gandhi's actions are always coloured with obstinacy Sychophants proclaimed it a quality of determination while others thought it to be sheer mulishness Insensitive to both appreciation and criticism she unashamedly resorted to the use of Governmental machinery for her personal ends and unceremoniously removed those who came in her way And there were others who successfully made hay when the sun shone At the Commission it was revealed that many other individuals and companies like Maruti had favours received for favours given

Former Congress President Barooha s slogan India is Indira Indira is India had left a deep impression in the minds of her colleagues and civil servants Its impact was so cantankerous that it somehow destorted even logical reasoning and bureaucrats did not hesitate to stoop to do even the most heinous crimes in the name of Indira that was India At the Commission the officials confessed their mistakes and made it clear that they were so enamoured by Barooha s slogan that they blindly obeyed what they were told

Many of the raids conducted by the Income Tax Department during the Emergency were glaring examples of such acts committed under conditions of duress The office of the AVARD (Association of Voluntary Agencies for Rural Development) of which Jayaprakash Narain was the President was raided by the Income Tax authorities on the basis of a letter from Shashi Bhushan a Congress M P Shashi Bhushan received a complaint from Sanjay Gandhi about the Association and also about a company with which JP was closely associated

This came up at a time when Maruti and its shareholders were given full protection against harassment by the I T Officials

An act of political vendetta was again record d in the case of

the dealings with the Bajaj Group of Companies One hundred and fourteen Companies of this group were raided during May 1976 According to Rama Krishna Bajaj head of the Bajaj Group they had earned the ill will of the Congress for various reasons For one it was the fact that the former head of the Group the late K Bajaj had remained with the Congress (O) when the Congress split and also for having opposed Mrs Gandhi in her first bid for Prime Ministership in 1966 Rama Krishna Bajaj being the Managing Trustee of the Vishva Yuvak Kendra in D lhi had opposed the taking over of the Kendra by the Government Another cause was the refusal by Rama Krishna Bajaj to stop the Acharyas Sammelan organised by his brother in law Shriman Narayan which went on to recommend the release of all political detenus in the country To make matters worse the Bajaj family had contacts with JP and the Sarvodaya Movement even during the Emergency All this rebounded on the Bajajs and their companies were raided simultaneously in twelve different cities

Under instructions from the Chairman of Central Board of Direct Taxes S R Mehta the Director (Investigation) Income Tax Headquarters Harihar Lal had directed the raids on some companies which were suspected to have amassed large sums of unaccounted wealth The raid was conducted with unusual haste There were unfortunate procedural lapses Harihar Lal revealed that he had issu d blank search warrants' for conducting raids Reports on huge unaccounted w alth seiz d during the raids thinn d down gradually from rupees fifty two lakhs to rup es thirty two lakhs and finally down to rupees six lakhs which was also under apo al This was the result of that great haul! The facts were revealed by Rahul Bajaj The secret is still hidden as to who had ordered Mehta to conduct the raids

The raids were planned only to harass the Bajajs This was evid nt from the fact that they raided the residence of Rama Krishna Bajaj s 84 year old mother who had given up all worldly possessions since the death of her husband in 1952 and was living at Wardha Others who were victims of the raids were the S india Group of Gwalior and Bombay the Modi Group of Modinagar the Jaipuria Group of Kanpur and Ghazia-

had the Baroda Rayon Corporation of Surat and Bombay Bajaj Mukand Group of Bombay and Mahindra and Mahindra Group of Bombay

There were standing instructions that prior permission from Mehta was required to inquire into the affairs of Maruti When *questioned about it Harihar Lal s reply was to my knowldge it* was not needed to be obtained in respect of other companies

Mehta deposed that information concerning Maruti was sought from official agencies only because of the sensitivity of the case and to furnish only authentic information

Mehta had issued orders that information about Maruti even for parliamentary questions was to be collected only *through official agencies and that neither the company nor its* shareholders should be approached for information This was the type of justice that prevailed under Mrs Gandhi s reign tilting its scales always in her favour Such justice was the need of the hour because Maruti' had to prosper

Witnesses while deposing at the Commission brought to light the fact that Mrs Gandhi used to clear parliament ques tions related to Maruti The information Collected by the department for giving answers to parliamentary questions regarding Maruti was in accordance with unwritten instructions It was referred to the Prime Minister s Secretariat before the information was made available to Parliament Files were lying at the Prime Minister s Secretariat when the Parliament was told that the information was being compiled

During his cross examination Counsel for the Commission *Karl Khandalawala asked Mehta under what Act he had issued* standing instructions to exempt Maruti from Income Tax regu lations Mehta replied that there was no question of any Act He maintained that it was not a blanket order Mehta was in a dilemma when he was asked to produce in black and white the powers under which he acted Justice Shah observed that it was an extra Income Tax Act

Hariharlal took the stand that he acted under instructions from his boss Mehta asked him whether he would obey if he was ordered to jump into a well Mehta soon found it difficult to carry on with his fancied role of a cross examiner It

was evident that Lal had fallen out with his former boss Mehta sought Justice Shah s indulgence as Lal refused to answer his questions with a definite yes or no

Baroda Rayon Corporation

Were the Income Tax raids conducted on Baroda Rayons during the Emergency with the purpose of obtaining a compre hensive list of political donations collected on behalf of the Congress Party? S R Mehta categorically denied the 'political purpose behind the raid He however admitted that the raids were ordered by Pranab Kumar Mukherjee

It was revealed before the Commission that the mysterious list procured from the Baroda Rayons was handed over to Mehta who in turn took it to Mukherjee and left it in his safe custody The mysterious list disappeared mysteriously There were three typed pages and names of companies and individuals from all over the country were in the list Government Counsel P N Lekhi tried to clear the mystery surrounding the disappearance of the list The Congress Party probably had money collected through the Baroda Rayons and since all the money was not passed on to the Party the company offices were raided to uncover the details of the sums that remained unpaid Lal admitted that he had been a tool in that exercise perhaps unconsicously

Lal revealed that there were directions to raid the Company premises and look for unusual documents Specific instructions were also given not to raid the hous s of the Chairman of the Company Fateh Singhrao Gaekwad a Congres MP and the Managing Director Vinay Shah son of the Tamil Nadu Governor K K Shah

Deposing before the Commission Mehta admitted that both the Executives were well connec ed and influential He had suggested that their houses be left out because the information the Minister gave him referred only to the Company and not its Executives Mehta s argument was immediately demolished when it was pointed out to him by the Commission that house of no other executive was spared

On being questioned why he had taken personal interest in the Baroda Rayon Corporation to the extent of ordering

H rihar Lal to look for urusual documents on the company premises and also about the vanished list Mehta said That is your conjecture I do not know anything about it This list contained the names of persons who had contributed probably to bribe the members of the Gujarat Legislature to topple the Janata Front Government

Commenting on the Emergency in an answer to the Govern ment Counsel Lekhi Mehta said that he had not seen anything strange during that period The only thing he had noticed was that there was improvement in every sphere of life (Was he talking about the atmosphere that prevailed around him or the general life in the country)

To Lekhi s question as to how he would like to have Emer gency reimposed Mehta complained that the Counsel was unable to shed his political bias — I have nothing to do with the Emergency I was happy then I am happy today '

SANJAY'S AGRA VISIT

For nineteen months a comet paled the stars in the northern sky A comet is a dying star which is also a harbinger of evil

Adored and abetted by his mother Sanjay Gandhi utilised all the opportunities that came his way to throw his weight about The Chief Ministers mostly appointees of his doting mother tried to curry favour with him so that they can have a standing with Madame Prime Minister An example of this shameful state of affairs was revealed before the Commission when the details of Sanjay s visit to Agra was unrolled before it

It was on May 2 1976 that the great event took place Sanjay visited Agra His welcome was described as tumultuous His triumphant entry and tour of Agra would have shamed a Shahjahan or an Akbar but that is the only part of it He solved all the problems of Agra in a single day!

He presided over official meetings His suggestions were given validity of official orders The Chief Minister of Uttar Pradesh N D Tewari was just a third rate man who would dance to the tune of this rising comet

When Sanjay Gandhi went to Agra by car he was accompanied by the Chief Minister of UP and most of the senior officials of the State The Additional Director General of Tourism B S Gidwani was asked to cut short his official participation in the PATA Conference in Honolulu so that he could be available in Agra to fawn upon to the son It was the Minister for Tourism and Civil Aviation who gave the order This was born out by the records submitted before the Commission

Sanjay showed his mettle even before he reached Agra En route he stopped at the restaurant run by the Department

of Tourism (ITDC) at Kosi Sunjay agreed and the Chief Minister ordered that the land adjacent to the Kosi Restaurant should be handed over to the Department of Tourism for land scaping There was a proposal to this effect pending with the State Government for a long time But Sanjay ordered and Tewari did the trick On the spot it was decided that the land should go to the ITDC and the work on the project should start then and there

After his triumphant entry into Agra Sanjay presided over a meeting of the senior officials of the State and the Central *Governments It was held in the Circuit House The senior* officials of the UP Government testified that the meeting was practically conducted by Sanjay and the Chief Minister was assisting him by calling out officials and passing instructions after a point has been discussed and a d cision taken

The Commissioner Agra Division K Kishore also attend ed the meeting He deposed before the Commission that Sanjay entered the room and occupied the main chair while the Chief Minister kept hovering around occasionally sitting down

According to the minutes of the meeting available in the Government files Sanjay also participated in the deliberations and gave the benefit of his advice in arriving at a proper deci sion for immediate implementation

The development of the Transport Nagar in Agra was another point discussed The idea was to shift the transport agencies functioning in various places to a newly developed locality On hearing about it Sanjay decided that the whole scheme should be completed by June 30 1976 The concerned Engineer objected Sanjay ordered the Chief Minister if this Engineer cannot do the work he may be shifted Royally the son pronounced that the work will be completed by June 30 Tewari would inaugurate it on July 1, positively As Sanjay decreed it the work was completed with military help a Lt Col being in charge with military machinery being put use to

In a public meeting on the same day the Chief Minister proclaimed that a new star is arising on the political firma ment He had also announced that Sanjay had solved many

long standing problems of Agra and that he and his Government would work according to the instructions given by Sanjay from time to time

Tewari described Sanjay as a prominent non official representative of the Youth of India The Chief Minister conceded that the youngster had no official status in UP About the allotment of land at Kosi Tewari claimed the orders were mine as the Chief Minister and not Sanjay s '

When the minutes of the meeting were read out to him Tewari wailed I do not know if the minutes were written I think its poor drafting does not reflect what actually happened The Chief Minister expressed his sorrow over the statements of the State Government officials at least twice

The minutes of the meetings were described by Justice Shah as very enlightening According to Tewari the minutes were not very relevant Justice Shah quipped whether relevant or not that is for me to look into When Tewari claimed Agra has become beautiful Justice Shah retorted I have seen it

To crown it all Tewari deposed I did not accompany Sanjay he accompanied me'

THAT WOMAN[1]

Adharmabhi bhaval Krishna
Pradushyanti kula striya
Streeshu dushtasu varshneya
Jayate varna samkara (Gita)[2]

With the arrogance and pride that are the hall marks of the House of the Nehrus Indira Gandhi once boasted 'I know what I want to do with India Time proved her boast to be an idle one When events threw India at her feet she did not know what to do with it By erratic actions vagrant behaviour and by sheer political ignorance she brought the country to the brink of disaster As is said of all women Indira Gandhi was cunning and manipulating The student troubles in Gujarat and Bihar and the JP Movement against the high and the mighty proved her to be a two penny tin queen Her reactions were never wise but invariably wicked they were never intelligent but mostly instinctive like the strike of a disturbed snake The Allahabad High Court Judgment proved to be the proverbial last straw on Indira s back she threw all pretentions of demo cracy to the four winds She imposed Emergency on an unsuspecting land and incarcerated her detractors by the thousands She proved that she really was an animated portrait

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1 The English language is rich in adjectives and I can think of scores of adjectives to describe Mrs Gandhi But I prefer the words that woman They effectively convey my contempt for her —M C Chagla quoted in The Statesman 12 3 1978 Actually it was General Yahya Khan of Pakistan who called her thus for the first time

2 Oh Krishna! well born women influenced by evil become wicked Oh Varshneya! when women become wicked disorder is born

of herself by M F Hussain—a blood thirsty Rudra Kali riding a tiger

Nineteen months of unbridled power made her over-confident She felt a compelling need to legitimise her rule and her off spring s succession So elections were ordered The results stunned her Surprisingly it is not those who suffered at her hands who is bitter—bitterness now is hers Yet when called before the highest tribunals of the land to explain her aberrations she hedged and hawed and backed out She threw venom and mud all around hoping that some would stick But she was fooling none the Shah Commission not in the least

The Commission wanted to question Mrs Gandhi on eleven points They were

1 Reversion of Justice R N Aggarwal High Court Delhi

2 Re appointment of Justice U R Lalit an additional judge of the Bombay High Court

3 Institution of CBI cases against R Krishnaswamy Deputy Secretary, Heavy Industry A S Rajan Development Officer DGT & D L R Cavle Chief Marketing Manager STC and P S Bhatnagar Deputy Chief Marketing Manager STC

4 Appointment of T R Tuli as Chairman and Managing Director Punjab National Bank

5 Appointment of K R Puri as Governor of Reserve Bank

6 Deviation from the established procedure and irregularities in the reconstitution of the Air India and Indian Airlines Corporation

7 Detention of Inspectors of the Textile Committee and Inspectors of Customs under MISA in June 1976

8 Detention of Bhim Sen Sachar and seven others under MISA

9 Requisitioning of the Vishwa Yuvak Kendra Chanakyapuri New Delhi under the DISIR

10 Alleged improprieties committed in regard to Mangal Behari IAS Rajasthan cadre and termination of the services of Chandravati Sharma assistant teacher in a Jaipur School

11 (a) Events between June 12 and 22 1975 (b) events between June 23 and 25 1975 (c) MISA detentions and other arrests on the night of June 25 and 26 1975 and thereafter

Instead of appearing before the Commission and answering questions frankly and fearlessly as any honest person would have done Indira s entire strategy was a scurrilous filibuster She applied to the Commission thrice to postpone her appearance and Justice Shah sanctioned her requests thrice On the day of the third postpon ment a lawyer limped into the Commission hall on her behalf Even before the proceedings began he arranged the distribution to the press of a submission to be made before the Commission In it she complained bitterly against what she termed as a continuing process of political denigration and character assassination against her She accused that the Commission disregarded the procedure contemplated by the Constitution and prescribed by the Act and the rules (and it had) clearly demonstrated the political motivations behind the appointment of the Hon ble Commission

She protested against an imaginary denial of an opportunity to cross examine witnesses who had deposed against her Then she began to give her own version of the charges levelled against her

She first referred to the decision not to confirm Justice Aggarwal and Justice Lalit She claimed that the decision was based on the facts placed before her and challenged the Commission to examine the official records and to come to any other conclusion She quoted Ivor Jennings to establish her right as a Prime Minister to over rule the recommendations of her cabinet colleagues

Referring to the appointment of Puri as the Governor of the Reserve Bank of India she said I consider him on the basis of available information as the most suitable person to head the premier financial institution in the grim economic conditions facing the country The appointment of Tuli has already been vindicated by Mr Subramaniam himself she added

In her own words the cases of the four officers referred to in the communication under reference are based on half truths and hearsay It was however wholly incorrect on the part of T A Pai to have stated before the Commission that I had any talk with him in the presence of R K Dhawan I received complaints from some persons including MPs about the officers amongst others I told Dhawan to pass on the com plaints to the authorities concerned There was nothing special or unique in this I did not play further role in this regard and have no knowledge of the actions which were actually taken by the relevant administrative departments She sa d in fact I had received complaints of corruption against Pai[1] himself and members of his family and on the repeated insistance of the complainants had referred them to the CBI for discreet inquiries

Some Textile Inspectors were arrested under MISA I had no knowledge of this and had nothing to do with the matter ' was her reply with regard to that count

On the other counts her statement was silent She was brazen enough to state conditions in the nation before the

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[1] Hotly contradicting what was said in the Statement T A Pai former Industries Minister launched a bitter attack on Mrs Gandhi at the Shah Commission

Pai observed that ever since he had given evidence before the Commission (that four officers of his Ministry had b en victimied on Mrs Gandhi s orders because they were collecting material on Maruti) he had been criticised and even threatened with expulsion from the Congress Party not that this is something which I am very much bothered about

He said Mrs Gandhi had not come before the Commission because she dared not

Pai said raids had been conducted in the house of his brother in law who was Chairman of the Syndicate Bank on a complaint by two Members of Parliament who later said their signatures had been forged

Pai affirmed that he stood by all that he had told the Commission

Emergency should also be enquired into and not allowed to be repeated She concluded I feel that no useful purpose will be served by my participation in the proceedings If it decides however to hold the enquiry in accordance with law and in the course thereof summons me as a witness I shall abide by its directive

Mrs Gandhi s statement which was read out said that she would appear as witness if the Commission decided to hold the enquiry in accordance with law and she was given the opportunity to produce evidence engage lawyers and cross-examine witnesses

Justice Shah ruled that he could not grant her this opportunity at the initial stage when statements of the witnesses are recorded Replying to the objections he observed that it was of no consequence to the Commission if someone declined to come Once he came to the conclusion that *prima facie* evidence existed he would form his own conclusions from the examination of evidence

He noted that so far he had issued notices to persons to appear before the Commission only under Section (b) of Rule 5 of the Commissions of Inquiry Act which gave full opportunity to all concerned to explain their conduct Notice under Section (a) of Rule 5 would be issued only to those persons who are found *prima facie* to have been involved in the commission of excesses, he added He would then summon persons who without reason refused to appear before the Commission That would be an opportunity to them to defend themselves

It may be remembered that Mrs Gandhi played every known trick to avoid appearing before the Commission A captive Congress Working Committee advised Congressmen to appear before the Commission only at the appropriate stage and in case summonses are issued This amounted to a virtual boycott of the Commission by the Party But ultimately that too did not help her

Public comment on her statement was understandably critical Lies lies all the way screamed a three column headline in the Indian Express for an analysis by Arun Shourie He wrote In boycotting the Shah Commission Mrs Gandhi has

acted true to form Having suppressed the truth for years she has refused to assist a Commission that is ascertaining the facts

The boycott and the submissions on her behalf go beyond legal niceties and fine points of procedure The operative aspects of the long winded procedural submissions were three that Mrs Gandhi should not be called to testify as a witness that if called she should not be asked questions regarding cases such as the circumstances leading to the proclamation of the Emergency the institution of false cases etc and third that if called she should not be asked to make a statement on oath

'Petty legalisms aside is this a stand that someone who has nothing to hide would take? This is what the people will be asking themselves They will not miss the real purpose of the boycott— a pretext to walk out with the fig leaf of legalism People know better

Ram Jethmalani commented One may dismiss her action as only an attempt to put off an inconvenient exposure But her letter discloses a determination to flout even a summons from the Commission She will obey the summons only if Justice Shah decides to hold an inquiry in accordance with law—law not as interpreted by Justice Shah but by Mrs Gandhi and her advisers lay and legal

Cross examination is the most potent instrument for the discovery of truth It is at once a shield for the innocent and a sharp spear which pierces the armour of untruth The perfidious and the mendacious dread it The honest welcome it

Persons familiar only with strict criminal trials are likely to look askance at cross examination of one against whom an accusation of crime is made Concealed away in different parts of the letter is Mrs Gandhi s respect for as well as fear of cross-examination

Unwittingly by writing the letter Mrs Gandhi has demonstrated the need and urgency of bringing her before the Commission A few questions in cross examination would reveal her design to terrorise brave judges The cross examination might well proceed on the following lines

Mrs Gandhi would you tell us what is it that ultimately made you prefer the advice of one minister to the other?

Is it true that the advice included the information that these two judges had delivered judgements which were distaste ful to you and your Government?

Did you get them out of the way so that they should no *longer be in a position to deliver such judgements?*

She might survive this simple cross examination but her evasion makes one wonder

In a final act of defiance Mrs Gandhi invited the Com mission to inquire into the very causes of Emergency Justice Shah had no difficulty in embarking upon the inquiry into which he was thus challenged By a second invitation to Mrs Gandhi Justice Shah precisely took up this challenge He called off her *bluff*

Inquiry means the findings which may be arrived at the inquiry and not the bare fact of investigation into truth Nobody s reputation can be injured by the fact that someone is inquiring into something This is the fallacy from which Mrs Gandhi s argument suffers

If Mrs Gandhi s anxiety to preserve her reputation is not a fake one she should appear before the Commission and ask that she should be permitted as speedily as possible to cross examine her traducers and that her side of the story be hea d Truth never provokes jeers She almost gives *herself* away when with some rhetorical flouris i she proclaims that no government can function in fear of inquisitorial proceedings by a subsequent government This is grievously to misjudge the nature of the Commission In the nature of things a commis sion can only be appointed formally by a subsequent govern ment which interprets and executes the new will of the people No one expects Mrs Gandhi to appoint a Commission to examine her own conduct Let the people judge for them selves he concludes

S Mulgaokar editor of the Indian Express wrote The strategy was slow in ufolding itself There was nothing im pulsive about it Every move was cold bloodedly calculated

and if there appeared during the course of the see saw struggle some contrary indications they were to be attributed to her natural attachment to the devious as against the straight and the narrow It is the tragedy of Mrs Gandhi s life that she has first to destroy before she can again assert herself But she will not accept the possibility that she will never again hold the centre of the stage

Posing the questions Who is telling the truth? Ramindar Singh reported for ENS thus What was the burden of Mrs Gandhi s long statement ? The two leading persons whose statements she challenged are T A Pai former Minister for Heavy Industry and R K Dhawan her former additional private secretary

Mrs Gandhi denied she had ordered an inquiry against four officers who were collecting information for a Parliament question about Maruti affairs in the presence of Pai But Pai came to the stand and reiterated that she was very angry when she called him to discuss this matter

Mrs Gandhi also denied any knowledge of the arrest under MISA of twelve Customs and Textile Inspectors Dhawan had told the Commission earlier that she had asked him to get a list of the Textil Inspectors All the ten persons named in the list supplied to Dhawan by Chattopadhyava s special assistant N K Singh were arrested along with two Customs Inspectors So who is telling the truth? Mrs Gandhi or Dhawan? Mrs Gandhi in the statement replied only to those charges which were mentioned in the communication of the Shah Commission asking her to appear

What are the other charges against her?

The former Lt Governor of Delhi Krishan Chand told the Commission that the decision to disconnect the electric supply to all Delhi newspapers on the eve of declaration of the Emergency was taken in a meeting presided over by Mrs Gandhi He also stated that the decision to arrest Bhim Sen Sachar and seven others was taken personally by Mrs Gandhi

The former Secretary for I & B S M H Burney has deposed that Mrs Gandhi had complained that he was not managing the news media well This would suggest that the management of the media to project the images of Mrs Gandhi and her son Sanjay and giving a pro Congress *tilt to news coverage was at the instance of the former Prime* Minister

It has also emerged from the testimony of the ex CBI chief D Sen that the corruption dossier on A H Mehta was discussed by him with Mrs Gandhi before or shortly after his appointment as Chairman of Indian Airlines This would mean that she knew of corruption charges against Mehta while approving his appointment and while approving the hasty purchase of Boeing planes proposed by Mehta

Knowing that her continued absence was doing more harm than good Mrs Gandhi appeared before the Commission in response to summons on January 9 1978 and argued through her counsel Frank Anthony that the inquiry was an exercise in political vendetta against her

Anthony said that the former Prime Minister as the prime target of attack was not a witness and could not be grilled in cross examination or be required to make a statement at this stage which would pre empt her defence later

Counsel referred to the correspondence exchanged between Mrs Gandhi and the Commission after the summons was received and said that it was only on January 3 that Mrs Gandhi was told that she could cross examine those whose statements and affidavits had been taken on record besides those who had testified before the Commission She had been denied the opportunity to cross examine the investigating officers of the Commission Mrs Gandhi s reputation was affected even at that stage of recording of evidence he said [1]

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[1] Frank Anthony caused his client Mrs Gandhi considerable embarrassment by recounting a conversation he had with a judge during the pre independence days

He said a British judge had remonstrated with him for taking on the case of a well known criminal Mr Anthony

He insisted at the same time that leading figures of the Government should have some restraint The impression was created among us that here was a Home Minister arrogating to himself the right to tell the Shah Commission in what particular matrix it should function He was concerned with the political motivation behind the Home Minister s statements, he said

All these Anthony stated served to condition the functioning of the Commission and fortify their apprehension that the Commission was a political exercise

Mrs Gandhi had already been damned her lawyer contended In this context he said that out of 48 000 complaints received the Commission had decided to take up only 2 000 This showed that the other 46 000 were of trumped up character

Justice Shah said he had not said so Those complaints which did not fall within a certain pattern of national context had been sent to the States for enquiry Again the complaints did not necessarily involve the former Prime Minister (in all cases) Many of them involved persons in more humble vocations or positions

The next day Mrs Gandhi lost the first round in her battle to evade the Commission Justice Shah over ruled all the objections barring one raised by her counsel Frank Anthony and held that she was bound to file a statement in reply to the 11 cases referred to in the notice issued to her

Leaving the Commission hall after getting a day s reprieve to consider Justice Shah s ruling Mrs Gandhi told newsmen she would certainly attend the Commission the next day But she said she did not know whether she would file a statement

being a criminal lawyer said he had replied *Kaun bhale aadmi hamare pass aatey hain?* (which decent persons would come to us)

The crowded hall immediately burst into laughter
Realising rather late the damage he had done Anthony sought to make amends by pointing at Mrs Gandhi and said This lady is in a different category

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as directed by the Commission During the day s proceedings she could be seen correcting a long typed statement running into several pages

Her counsel had taken the stand that she was not obliged to file any statement and addressed arguments in support of the plea Broadly as the Commission summarised them the arguments were

First the procedure followed by the Commission was improper or illegal

Secondly the refusal to file the statement was justified because the notice asking for it could not be issued when she had been summoned under Section 8 (B) of the Act

Thirdly Mrs Gandhi s counsel took the stand that the procedure for hearing of the Commission was analogous to the procedure adopted in a criminal trial

In addition Anthony had raised a number of subsidiary connections These set out in the Commission s ruling were

1 The appointment of the Commission was vitiated
2 Newspapers had published garbled versions of what took place which in fact or in effect amounted to trial by the press
3 The terms of reference of the Commission were vague
4 *The Commission could not inquire into circumstances which* preceded the declaration of Emergency and the manner in which the advice for its declaration was given to the President
5 Mrs Gandhi had been denied an opportunity to know the demeanour of witnesses and to that extent the proceedings were vitiated
6 The Union Home Minister had made certain statements regarding the powers and proceedings of the Commission
7 The investigating officers should be available for cross examination

Justice Shah said the proceedings before Commissions of inquiry made a substantial departure from a trial of a suit or a criminal prosecution

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He accepted the contention that one of the items mentioned in the notice issued to Mrs Gandhi was vague This was due to a drafting error which would be rectified and a fresh notice served in regard to it

He rejected all other arguments

The Indian Express analysed the situation thus The tenor of arguments advanced by Frank Anthony made it clear that there is no meeting point between the Shah Commission and his client Two courses are open to her One is that she can challenge the whole procedure in a court of law The second course she may be prompted to take it to boycott the Commission if and when Justice Shah rejects the objections raised by Anthony In fact her lawyer observed after the sitting that he would advise her to boycott the evidence

The next day (January 11) Mrs Gandhi carried her policy of non co operation with the Commission to its logical conclusion by categorically refusing to testify or even file a statement in reply to the allegations against her in eleven cases Consequently, Justice Shah directed that she be prosecuted before a local magistrate under Section 179 of the Indian Penal Code for refusing to give evidence before him

Anthony made another attempt to forestall the inevitable Let me hear the evidence let me cross examine the witnesses I will put her in the witness box he pleaded

Justice Shah would have none of it He started dictating his order

When Anthony protested against certain wordings Justice Shah impatiently called her forward— Mrs Gandhi please come here and asked if she would make a statement She again walked to Anthony s mike and on repeated promptings from her battery of lawyers said I am not legally bound

Justice Shah I want to know whether you are willing to make a statement

Mrs Gandhi I have just said I am not legally bound

Justice Shah (more sternly) Are you willing?

Mrs Gandhi (softly) I decline

Later she altered her reply by bringing in the oath of

secrecy I am bound by my oath of secrecy not to make any statement Back in her chair she tried to make another amendment I am not constitutionally bound either

Tell that to the magistrate Justice Shah shot back and resumed dictating his order directing the Commission Secretary to lodge a formal complaint with a magistrate to proceed against Mrs Gandhi

Earlier she had made a lengthy submission to the Commission All her earlier arguments were repeated in it with quite a few new ones

Mrs Gandhi said that in the view of the Government which she led bank nationalisation was necessary and constitutional but in your view it was unconstitutional and we did not pay enough compensation to the bankers At that time she said 100 MPs had signed a petition on the judges issue As Prime Minister I stopped it to uphold the dignity of the judiciary A second time 200 MPs including some who are now ministers in the Janata Government sent in a memorandum demanding impeachment action against the judges Again I stopped it

Justice Shah reacted promptly I never was a shareholder of any bank at the time when the case was heard Some people had made that allegation It is a false allegation

I am not mentioning you at all Mrs Gandhi said

Justice Shah recalled he was the presiding judge of the bench Some of my brother judges said that they had shares I told them that I did not hold any shares I had an account in a certain bank He added Now to say that the judges held shares and therefore they had some interest in an imputation which is wholly uncalled for I personally held no shares in any of the 14 banks at the time they were taken over

On January 19 the drama was re enacted Justice Shah ordered that fresh cases be filed before a magistrate against Mrs Gandhi under Sections 178 and 179 of the IPC for refusing to take oath and refusing to answer questions

Mrs Gandhi s appearance before the Commission that day was basically a repeat performance of the events of January 11 She refused to go to the witness box and take oath and claimed

that she was not legally and constitutionally bound to do so This time Mrs Gandhi seemed in fact a trifle more defiant I shall not answer any further questions she yelled at Justice Shah

As the Commission was dictating its order Mrs Gandhi tried to interrupt Excuse me Sir

Sit down I am busy dictating an order Justice Shah told her coldly

Justice Shah was particularly perturbed about Anthony s suggestion that the Commission was biased He added that he was not concerned with political consequences and it was wholly improper to suggest bias

Anthony appeared nervous at this point Fearing that he had overstepped and might land himself into some action for contempt he hastily interrupted to say that he did not use the word bias in a political sense

There are no facets of bias Justice Shah retorted

Even though Justice Shah condoned this aberration counsel for Mrs Gandhi Frank Anthony D R Sethi and Sushil Kumar were caught on the wrong foot when they wrote a letter to the Commission on behalf of their client and released it to the press

Justice Shah directed that a notice be issued as to why action under Section 10 (A) sub Section 2 of the Commissions of Inquiry Act should not be taken and/or why proceedings be not referred to a competent court against them and/or the matter be not referred to the Bar Council of India for appropriate action

Justice Shah also objected to the press being supplied copies of the letter widely published in the newspapers and said that it should not have been indulged in by the counsel He directed another show cause notice to be issued in this regard

Finding that no co operation need be expected from Mrs Gandhi the Commission went on with its proceedings On February 20 Karl Khandalawala summed up the evidence before the Commission

As counsel for Commission Khandalawala argued that Mrs Gandhi had played a fraud on the President a fraud on the Council of Ministers and a fraud on the people

At one stage in the arguments Justice Shah remarked that the imposition of one emergency upon another amounted to ' a hoax upon the people

Khandalawala dwelt at length on the way in which Mrs Gandhi went about making her recommendation to the President that an emergency be declared He pointed out that right from June 23 1975 a host of people in Mrs Gandhi s confidence came to know that the Emergency was imminent That very day lists of political leaders to be arrested were prepared at the Prime Minister s house and Krishan Chand saw those lists This was in preparation for Jayaprakash Narain s public meet ing scheduled on June 22 1975 Mrs Gandhi wrote in her letter to the President that she would have liked to consult the Cabinet but could not do so owing to shortage of time This deliberate lie when she had more than two days was what had made h r advice to President Ahmed a fraud on the President Khandalawala contended

Now the question that looms large is what next? There are already two corruption charges against her and the Home Minister had made it amply clear that the Government would proceed with the filing of criminal charges against her In a democracy the mills of judiciary might grind a little slow but they grind fine he declared He also made it clear that a warrant will be issued to arrest her if necessary

The country knows her involvem nt But when an oppor tunity was offered to her to absolve herself of the stigma and to tell her side of the story she not only backed out but also start ed throwing tar all around in an attempt to confuse the issues by blackening everything After me the deluge she might have thought If she is not afraid of truth why did she play such tantrums before the Commission ? Let the peopl judge

TERMS OF REFERENCE OF THE SHAH COMMISSION

(Ministry of Home Affairs Notification dated May 28 1977)

S O 374 (E)—Whereas there is a widespread demand from different sections of the public for an inquiry into several aspects of allegations of abuse of authority excesses and malpractices committed and action taken or purported to be taken in the wake of the emergency proclaimed on the 25th June 1975 under Article 352 of the Constitution,

And whereas the Central Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making inquiry into a definite matter of public importance that is excesses malpractices and misdeeds during the emergency or in the days immediately preceding the said proclamation by the political authorities public servants their friends and/or relatives and in particular allegations of gross misuse of powers of arrest or detention maltreatment of and atrocities on detenus and other prisoners arrested under DISIR, compulsion and use of force in the implementation of the family planning programme and indiscriminate and high handed demolition of houses flats shops buildings structures and destruction of property in the name of slum clearance or enforcement of town planning or land use schemes in the cities and towns resulting inter alia in large number of people becoming homeless or having to move far away from places of their vocation

Now therefore in exercise of the powers conferred by Section 3 of the Commissions of Inquiry Act 1952 (60 of 1952) the Central Government hereby appoints a Commission of Inquiry consisting of the following namely

Chairman—Shri J C. Shah, Retired Chief Justice of the Supreme Court of India

2 The terms of reference of the Commission shall be as follows —

(a) to inquire into the facts and circumstances relating to specific instances of

(i) subversion of lawful processes and well established conventions administrative procedures and practices abuse of authority misuse of powers excesses and/or malpractices committed during the period when the Proclamation of Emergency made on 25th June 1975 under *Article 352 of the Constitution* was in force or in days immediately preceding the said Proclamation

(ii) misuse of powers of arrests or issue of detention orders where such arrests or orders are alleged to have been made on considerations not germane to the purposes of the relevant Acts during the aforesaid period

(iii) specific instan cs of maltreatment of and/or atrocities on persons arrested under DISIR or detained and their relatives and close associates during the aforesaid period

(iv) specific instances of compulsion and use of force in the implementation of the family planning programme during the aforesaid period

(v) indiscriminate high handed or un authorised demolition of houses huts shops buildings structures and destruction of property in the name of slum clearance or enforcement of Town Planning or land use schemes during the aforesaid period

Provided that the inquiry shall be in regard to acts of such abuse of authority misuse of powers excesses malpractices etc alleged to have been committed by public servants and provided further that the inquiry shall also cover the conduct of other individuals who may have directed instigated or sided or abetted or otherwise associated themselves with the commission of such acts by public servants

(b) to consider such other matters which in the opinion of the Commission have any relevance to the aforesaid allegations and

(c) to recommend measures which may be adopted for preventing the recurrence of such abuse of authority misuse of powers excesses and malpractices

3 The inquiry by the Commission shall be in regard to

(i) complaints or allegations aforesaid that may be made before the Commission by any individual or association in such form and accompanied by such affidavits as may be prescribed by the Commission and

(ii) such instances relatable to paragraph 2 (a) (i) to (v) as may be brought to its notice by the Central Government or a State Government or an Union Territory for inquiry

4 The Commission shall make interim reports to the Central Government on the conclusion of inquiry into any particular allegation or series of allegations and will be expected to complete its inquiry and submit its final report to the Central Government on or before 31st December 1977

5 The Central Government is of opinion that having regard to the nature of the inquiry to be made and other circumstances of the case all the provisions of sub section (2) sub section (3) sub section (4) sub section (5) of section 5 of the Commissions of Inquiry Act 1952 (60 of 1952) should be made applicable to the said Commission and the Central Government hereby directs under sub section (1) of the said Section 5 that all the provisions aforesaid shall apply to the said Commission

Annaxure B

	Name of State Union Territory	No of persons detained under normal MISA during Emergency	No of persons detained under amended MISA	Total persons
1	Andhra Pradesh	26	1052	1078
2	Assam	190	383	573
3	Bihar	—	2360	2360
4	Gujarat	27	1801	1828
5	Haryana	—	200	200
6	Himachal Pradesh	—	34	34
7	Jammu & Kashmir	138	397	535
8	Karnataka	—	483	483
9	Kerala	—	786	786
10	Madhya Pradesh	393	5819	6212
11	Maharashtra	—	5475	5475
12	Manipur	18	137	155
13	Meghalaya	—	39	39
14	Nagaland	69	34	103
15	Orissa	—	453	453
16	Punjab	321	62	383
17	Rajasthan	—	542	542
18	Sikkim	—	4	4
19	Tamil Nadu	—	1027	1027
20	Tripura	—	77	77
21	Uttar Pradesh	38	7011	7049
22	West Bengal	5009	311	5320
23	Arunachal Pradesh	—	—	—
24	Andaman & Nicobar Islands	1	41	42
25	Chandeigarh	—	27	27
26	Dadra & Nagar Havali	—	—	—
27	Delhi	—	1011	1011
28	Goa Daman & Diu	—	113	113
29	Lakshadweep	—	—	—
30	Mizoram	14	56	70
31	Pondicherry	—	54	54
32	Central Government	—	6	6
	Total	6244	29795	36039